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ABSTRACT

This handbook is intended to provide authoritative information and guidance to school board members in meeting the responsibilities of service. Frequent reference is made to pertinent sections of the Wisconsin statutes, and in many such instances the number of the statute is given. The guide begins with an outline of the role of the school board and its relationship with other governmental units. Chapters discuss the school board, organization and responsibility; school board members, qualifications and legal authority; and school board meetings, procedures and requirements. Other chapters concern the responsibilities of school boards in regard to administrators and school personnel, and in dealing with educational programs, school finance, and the school plant. (MLF)

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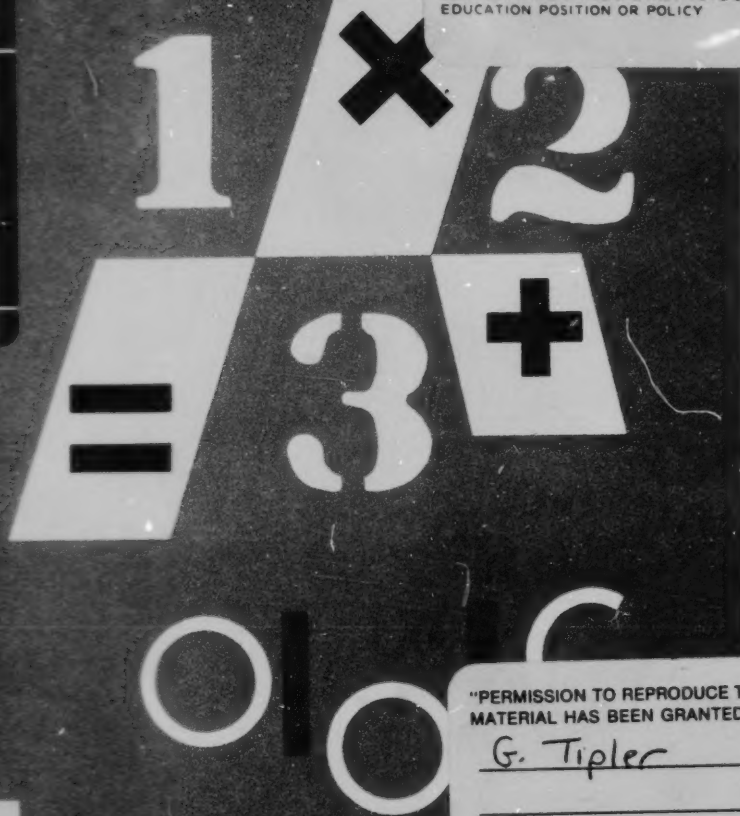
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A GUIDE FOR WISCONSIN
SCHOOL BOARD MEMBERS

OPPORTUNITIES UNLIMITED

PUBLIC RESPONSIBILITIES FOR SCHOOL BOARD MEMBERS

As a representative of all the citizens in my district, I am responsible for serving the best interests of the community and its students, utilizing all available resources toward that end. My oath of office requires me to uphold the laws and Constitutions of the United States and State of Wisconsin; but, in addition to that, I shall keep in mind that:

- ★ I can act only when in official board session; except as an officer, I may take actions necessary to fulfill my duties.
- ★ I should attend all meetings and be prepared at those meetings to act on issues before the board. I should be prepared to contribute to the discussion, while keeping an open mind during the deliberations. Once the decision is made, I should be willing to support and promote its implementation.
- ★ I must avoid all conflicts of interest — both pecuniary and nonpecuniary.
- ★ I must remember that responsibilities for overall management and control of the property and affairs, including the development of policies, belong to the school board while the responsibilities for the day-to-day operation of the school belong to the administration. Together, the School Board and administration must work to continually identify the needs, goals and priorities of the district.
- ★ I must be responsive to the public, maintaining open communication lines with my fellow citizens in the community, informing them of the educational needs of the district, as well as on actions of the board and accomplishments of the district's educational program.
- ★ I am a local legislator, but I must work under state and federal laws. I should communicate with state and federal legislators concerning the problems and needs involved in providing a quality education.
- ★ I must consider the School Board's role as the district's employer, making sure the district has able and well-qualified employees who will serve in the best interest of the students. (This should include providing for staff development and evaluation.)

OPPORTUNITIES UNLIMITED

A GUIDE FOR WISCONSIN SCHOOL BOARD MEMBERS

Fifth Edition

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Professor of Educational Administration
Department of Educational Administration
University of Wisconsin -- Madison

OPPORTUNITIES UNLIMITED

A GUIDE FOR WISCONSIN SCHOOL BOARD MEMBERS

Fifth Edition

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FOREWORD

The effectiveness of an educational program in the public schools is the primary consideration of all school boards. To be effective, the educational program must provide opportunities for all children to develop the talents and skills needed to participate in the total American society. Our students are merging with a highly mobile society and their needs may be identified at state and national levels as well as in the local community.

The changing focus of educational needs is having a visible impact on the role of the members of local school boards. Board members must be much more knowledgeable to function effectively. They must understand the issues in public elementary and secondary education as well as the techniques of policy development and decision-making. They must learn the legal requirements and limitations which define their duties and responsibilities as individual board members as well as part of the total board.

To this end, the Wisconsin Association of School Boards has developed this handbook. It is an indispensable tool and a concise reference source which should help each school board member. Its use should enhance each member's capacity to serve effectively in the processes of policy development and decision-making.

I offer my congratulations to the Wisconsin Association of School Boards for the development of the handbook and recommend its use by every Wisconsin school board member.

Barbara Thompson
State Superintendent of
Public Instruction

ACKNOWLEDGMENTS

For more than a decade, conscientious school board members in Wisconsin have turned to the earlier editions of this handbook for authoritative information and guidance in meeting the responsibilities of school board service.

The original handbook and its successors would not have been possible without the excellent cooperation of the personnel of the Department of Public Instruction, the Wisconsin Association of School District Administrators, the School of Education of the University of Wisconsin and the dedicated staff of the Wisconsin Association of School Boards.

On behalf of the Board of Directors and staff I am proud to offer this Fifth Edition of *OPPORTUNITIES UNLIMITED*, with revised and up-dated information, as part of the continuing program of service by your Association.

Paul A. Hahn, *President*
Wisconsin Association of School Boards

June, 1977

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CONTENTS

CONTENTS

CHAPTER I — ORGANIZATION FOR EDUCATION	1
The Federal Government and Education	1
The State Government and Education	2
State Department of Public Instruction	2
State Board of Vocational, Technical and Adult Education	4
Intermediate Administrative Organization	5
Types of School Districts	7
Creation and Reorganization of School Districts	7
Legal Status in Relation to Other Units of Government	8
CHAPTER II — THE SCHOOL BOARD MEMBER	13
Qualifications	13
Obtaining and Removing School Board Members	14
Vacancies and Resignations	15
Compensation	16
Legal Authority and Responsibility	17
Personal Liability	18
Helping the New Board Member	18
CHAPTER III — THE SCHOOL BOARD	21
Functions of the School Board	21
Policy-Making	21
The Need for Written Policies	21
Developing Written Policies	22
Evaluation	23
Organization of the School Board	23
Duties of the School District President	23
Duties of the School District Treasurer	23
Duties of the School District Clerk	24
Qualifications of School Board Officers	24
Powers and Duties of the School Board	24
School Board Committees	25
Standing Committees	25
Special Committees	25
Use of School District Facilities	26
The Board Is a Unit	26
Legal Authority of School Boards	27
Regarding School Rules and Regulations	27
Regarding Religion and Discrimination	27
Regarding Contracts	28
Legal Liability of School Boards	28
Torts	28
Contract Liability of School Districts	29
CHAPTER IV — THE SCHOOL BOARD MEETING	31
Types of Meetings	31
School District Meetings — Legal Requirements	31

School Board Meetings — Legal Requirements	32
The Open Meeting Law	32
Preparing for the School Board Meeting	34
Agenda Needed	34
The Meeting Place	34
Conducting the School Board Meeting	35
Quorum	35
Should Board Action Be Unanimous?	35
Keep the Meeting Short	35
The Place of the Administrator	36
Keeping the Minutes	36
Delegations and Petitions	37
Working with the Media	38
 CHAPTER V — SCHOOL BOARD —	
ADMINISTRATOR RELATIONSHIPS	39
The Administrator's Job	39
Differences of Opinion	40
Choosing an Administrator	41
Legal Qualifications	41
Personal Qualifications	41
Professional Qualifications	41
Procedure in Selecting the Administrator	42
Division of Functions	43
Employment of Personnel	43
Instructional Program	43
Pupil Personnel	44
Budget Preparation and Execution	44
School Plant	44
An Administrative Team Is Needed	44
Backing the Administrator	45
Evaluating the Administrator	46
Releasing the Administrator	46
 CHAPTER VI — THE SCHOOL BOARD AND	
SCHOOL PERSONNEL	49
Bargaining With Employees	49
Prohibited Practices	49
Employee Bargaining Units	51
Mediation	52
Fact Finding	52
Other Provisions of the Law	52
Preparing for Bargaining	53
The Negotiating Process	53
Finding and Keeping Competent Teachers	54
Qualifications for Teachers	55
Finding Teachers	56
Contracts With Teachers	56

Tenure	56
The "Contract Jumper" Problem	57
Salaries and Salary Schedules	57
Teacher Retirement Provisions	59
Leaves of Absence	59
Furnishing the Necessary "Tools"	60
Show Appreciation	60
Orientation and In-Service Improvement	60
Terminating Employment	61
The Noncertificated Staff	62
CHAPTER VII — THE SCHOOL BOARD AND THE	
EDUCATIONAL PROGRAM	65
Educational Policies	65
Plan of Organization	65
Teaching Load	65
School Calendar	66
Classification and Promotion of Pupils	66
Instructional Supplies and Equipment	66
Pupil Conduct and Discipline	67
Controversial Issues	68
Special Services	69
Exceptional Children	69
Student Health Services	69
Guidance	70
Libraries	70
Nursery Schools and Kindergartens	71
Summer School	71
Curriculum	71
Statutory Requirements	72
College Entrance Requirements	72
Attendance	72
Legal Requirements	72
Health Regulations	73
Local School Board Policies	73
Pupil Activities	74
Transportation	74
Legal Requirements	74
State Aids	75
Methods of Compliance	76
Liability and Insurance	76
Standards	76
School Lunch Program	77
Advisory Committees	77
Organizing Advisory Committees	78
Working With Advisory Committees	78
School Board — PTA Relationships	79
Accreditation	79

Evaluation and Accountability	79
Appraisal by Outside Sources	80
Information From Staff and Pupils	80
Information From Testing Programs	80
Information From Citizens	80
CHAPTER VIII — THE SCHOOL BOARD AND SCHOOL FINANCE	83
Budgets	83
Budget Preparation	84
Presentation and Adoption of the Budget	85
Administration of the Budget	86
Appraisal of the Budget	86
Audits	87
Sources of Revenue	87
Local Sources	88
State Sources	88
Federal Sources	90
Handling School Indebtedness	91
Limitations on Indebtedness	91
Obtaining the Needed Funds	92
Short Term Loans	92
Borrowing on Promissory Notes	92
Borrowing Through Bond Issues	92
Approval of Bond Issues	92
Planning and Selling Bond Issues	93
Awarding, Issuing, and Retiring Bond Issues	93
State Trust Fund Loans	94
School Building Corporations	94
Sinking Funds	95
Depositories for School Funds	95
Meeting Insurance Needs	95
Statutory Provisions	96
The Board's Role in the Insurance Program	96
Fix the Responsibility	96
Provide the Machinery	96
Adopt the Program	97
Place the Insurance	97
Evaluate the Insurance Program	97
Insurance Economies	97
Coinsurance	97
Appraisals	98
Wisconsin State Insurance Fund	98
CHAPTER IX — THE SCHOOL BOARD AND THE SCHOOL PLANT	99
Long Range Planning	99
Building Programs	99
Functional Planning is a Must	100
Educational Planning in the Building Program	100

Selection and Purchase of School Sites	100
Accessibility	101
Environment	101
Suitability for School Program	101
Suitability for Construction	101
Attractiveness	101
Choosing the Architect/Engineer	101
Working With the Architect/Engineer	103
Programming Phase	103
Design Phase	103
Working Drawings and Specifications Phase	103
Bidding and Contract Phase	104
Construction Phase	104
Furnishing Phase	104
New Developments in School Construction	105
Relocatable Classrooms	105
Construction Management	105
The Systems Approach	106
Design-build or Turn-key	106
Building Laws and Codes	106
Licensing of Architects and Engineers	106
Approval of Plans and Specifications	107
Bids and Contracts	107
Proof of Financial Responsibility	107
Receiving and Opening Bids	107
Contracts and Bonds	108
Principles of School Building Planning	108
Sources of Information	109
Use of School Property	109
Care of School Property	109
Custodial Services	109
Maintenance and Replacement Schedules	110
Long-Range Maintenance	110
Annual Maintenance	110
Emergency Maintenance	110
Safety Regulations	110
Accident Prevention	111
State Laws Relating to Safety Procedures	111
APPENDICES:	
A — Defining the Roles	113
School Board	113
School Administrator	116
B — The Principal: This We Believe	119
C — References for further reading	121

PREFACE

Throughout the development of this publication the primary concern has been to produce a handbook which will be useful to Wisconsin school board members. With this goal in mind, board members were encouraged to participate actively in both the planning and writing of the initial edition. Special attention was given to topics which a majority of board members identified as being important.

Frequent reference is made to pertinent sections of the Wisconsin Statutes. In many such instances the number of the statute is given so that the actual law may be consulted. For example, the notation [120.12(1)] indicates that paragraph (1) of Section 120.12 deals with the subject under discussion.

The terms "superintendent" and "administrator" have been used interchangeably throughout the handbook. In every case they refer to the executive officer of the school board, whether his official title is superintendent of schools, district administrator, supervising principal or principal.

Madison, Wisconsin

RAR

ORGANIZATION FOR EDUCATION

Chapter I

CHAPTER I ORGANIZATION FOR EDUCATION

Our system of free public education is one of the unique features of our American heritage. In contrast with many other nations where education is controlled by the national government, control of education in the United States is vested in the separate states so that we have 50 state systems of education. In most of the 50 states local school districts have been established and the state legislature has delegated responsibility for the day-to-day operation of the public schools to boards of education composed of members chosen by the electors of these local school districts. A school board member holds an influential and important position in local government. In fact, in a recent study it was found that Wisconsin citizens believe the position of school board member is more important than the position of village or city council member.

It must be recognized, however, that the board of education is but one element of our total government structure. Important relationships exist between school boards and other units of government. School board members must understand the role of the school board and its relationship with other governmental units if they are to carry out successfully their duties and responsibilities.

The Federal Government and Education

The United States Constitution makes no mention of education. The powers of the federal government are delegated and enumerated powers. The Tenth Amendment states that all other powers "are reserved to the states respectively, or to the people." Thus, we do not have a national system of education because the Constitution does not provide for federal control of education. Whether the founding fathers were naive, daring or possessed of unbounded faith in control by the people, the result is that the local school district and its school board represent the extreme in local autonomy.

Although the federal government does not control the schools, it is able to influence American education in indirect ways. The Constitution guarantees certain rights and privileges to all citizens. A number of Supreme Court decisions interpreting these provisions of the Constitution have had a significant influence on education. Congress, through its power to levy taxes and to authorize expenditures for the "general welfare," may also influence education.

The National Defense Education Act of 1958 and the Elementary and Secondary Education Act of 1965 are illustrative of the ability of Congress to influence educational programs in local school districts by exercising the powers given it by the "general welfare" clause of the constitution.

A federal Department of Education was established in 1867 to gather information about and to promote the cause of education. The department became the Bureau of Education in 1870 and the United States Office of Education (USOE) in 1929. At present it is part of the Department of Health, Education and Welfare. Among its functions are: (1) making studies and collecting and disseminating information and statistics concerning education; (2) administering grants distributed to the states or to local school districts; (3) providing consultative services; (4) contracting with colleges, universities and other educational agencies for research on educational problems; and for the training of educational specialists; and (5) operating programs under agreements with other federal agencies. In recent years the USOE has been given responsibility for administer-

ing a substantial number of federal grant programs and the activities associated with these programs have brought the office in much closer contact with local school districts.

In 1972, Congress created the National Institute of Education (NIE) and assigned it responsibility for overseeing many of the educational research and development activities previously assigned to USOE.

Another federal agency which has had significant influence on local educational programs in recent years is the National Science Foundation (NSF), which was created by Congress in 1950 as an independent agency governed by a board of 24 members appointed by the President for six-year overlapping terms. The National Science Foundation has sponsored a variety of activities designed to improve instruction in science and mathematics in the elementary and secondary schools. In addition to the science and mathematics curriculum materials developed by such NSF-supported activities as the Biological Sciences Curriculum Study and the School Mathematics Study Group, many institutes designed to improve the competence of teachers of science and mathematics have been held under the auspices of the National Science Foundation.

The State Government and Education

The development of Wisconsin's educational system is an interesting story of trial and error, of boldness and caution, which has gradually evolved the school system we know today. Wisconsin's earliest educational efforts were patterned after those of the Michigan Territory of which it had been a part. Then, through the efforts of settlers who had previous experience with the free public schools in New York and New England, provisions for education in the territory were gradually expanded and improved. This was true particularly of the laws covering educational qualifications of teachers and those governing the raising of funds for building and operating schools.

An early educational law required the establishment of a school district wherever electors resided in a township in which Section 16 had been surveyed. (The Land Ordinance of 1785 provided that Section 16 of every township in the Northwest Territory was to be "reserved . . . for the maintenance of the public schools.") By 1841 the county, town and school districts had been created as subordinate units of the territorial government, and power to organize and maintain schools was delegated to these units. Both the county commissioners and the electors of each town could, at their discretion, levy taxes for school purposes.

Shortly before Wisconsin became a state, delegates from the entire territory met in Madison to draft a state constitution. Committees worked and reworked the education section of the State Constitution for nearly two years. Finally, early in 1848, Article X was adopted. This article, with slight revisions through the years, provides for: (1) a superintendent of public instruction; (2) creation of a school fund and use of the interest therefrom; (3) establishment of free district schools for all children between the ages of 4 and 20 years, with no sectarian instruction to be allowed therein; (4) required annual school tax; (5) distribution of the income of the school fund; (6) establishment and support of a state university; (7) provision for commissioners of public lands; and (8) provisions for the sale of public lands.

State Department of Public Instruction

The State Department of Public Instruction was created in accordance with Article X, Section 1, of the State Constitution: "The supervision of public instruc-

tion shall be vested in a state superintendent and such other officers as the legislature shall direct; and their qualifications, powers, duties, and compensation shall be prescribed by law." Through the years legislation has added new responsibilities.

Some of the more important events in Wisconsin's educational history which relate to the development of the State Department of Public Instruction and illustrate the increasing leadership and service responsibilities of the department are:

- 1849 — First free tax-supported graded school opened in Kenosha.
- 1852 — State School for the Deaf at Delavan established.
- 1854 — State superintendent authorized to appoint an assistant.
- 1857 — First high school established.
- 1861 — Office of county superintendent of schools created.
- 1862 — First law providing for teacher certification.
- 1879 — Compulsory education law passed.
- 1883 — State superintendent ordered to prepare course of study, supervise instruction and examine teachers.
- 1897 — First pupil transportation law.
- 1902 — State superintendent's term increased to four years and state superintendent to be elected in spring election.
- 1907 — State aid for rural schools provided.
- 1927 — State school aid equalization law passed.
- 1939 — State superintendent given sole authority to certify teachers.
- 1943 — Teacher's continuing contract law passed.
- 1944 — First state-wide curriculum program.
- 1947 — State school aid equalization law revised.
- 1949 — State aid law changed to recognize quality in education by establishing basic and integrated aid districts.
- 1958 — Establishment of special certification requirements for school principals and superintendents.
- 1959 — Unified school district created.
- 1962 — All territory within the state required to be in a district operating a high school.
 - Public employees, including teachers, granted right to organize and bargain collectively with municipal employers, and Wisconsin Employment Relations Commission (WERC) empowered to administer the public employee bargaining law.
- 1965 — Position of deputy state superintendent created. Cooperative Educational Services Agencies (CESA) created and office of county superintendent abolished.
- 1967 — Transportation of pupils to non-public schools at public expense required.
- 1969 — Legislation requiring all school board members to be elected at the Spring election (effective in 1973).
- 1970 — Kahl vs. Breen Court Case decision outlining student rights and the limits on dress codes.
- 1971 — Eighteen years became the age of majority with rights to vote, hold public office, etc.
- 1971 — Public employees allowed to negotiate "Fair Share" provisions for union dues payments.
- 1972 — The Wisconsin Constitution amended to allow legislation implementing released time and use of school facilities by religious organizations.

1972 — Legislation enacted requiring that special educational programs be provided for all handicapped children.

1973 — Adoption of 13 standards and minimum requirements to be met by local school districts.

At the present time the Department is staffed by approximately 370 professionally trained men and women. The Department does not operate local schools. Rather, members of the department work in the following ways:

1. They provide leadership to stimulate and assist educators and lay citizens to improve the quality of local school systems.
2. They provide a wide variety of consultative, advisory and supervisory services to local school districts, school boards, teachers and administrators.
3. They administer such functions as certification of teachers, distribution of state aids and operation of special schools for the deaf and blind.
4. They serve in a judicial capacity in certain controversies arising within and between school districts such as expulsion of pupils and reorganization of school districts.
5. They administer federal programs such as the Elementary and Secondary Education Act, National Defense Education Act and School Lunch Program.
6. They recommend to the legislature changes in the state organization for education.
7. They help enforce statutory requirements concerning the schools.

The Department of Public Instruction is divided into six major areas of responsibility. An assistant superintendent heads each of the divisions and reports directly to the State Superintendent concerning the activities of his division. Each division is further sub-divided into special departments or functions. The six divisions include (1) the Division of Management and Planning Services, (2) the Division for Instructional Services, (3) the Division for Handicapped Children, (4) the Division for School Board and Administrative Services, (5) the Division for Financial Aid Services, and (6) the Division for Library Services.

State policy in Wisconsin has encouraged the development of a decentralized organization for public education. Major responsibility for the operation of local school systems rests with local school boards rather than with the state. The Department of Public Instruction has increasingly worked to strengthen local school districts and improve their quality by providing leadership, consultative services and encouragement to local school districts, school boards, administrators and teachers.

State Board of Vocational, Technical and Adult Education

The State Board of Vocational, Technical and Adult Education is charged with the administration of vocational education in the state. This board was established in 1911 by the Legislature to meet the demand for additional training for young people to "fit them earlier to become skilled in whatever department of manual labor they may engage and thus make them more productive members of society as well as more self-respecting," to quote from State Superintendent L. D. Harvey, whose report in 1901 focused attention on the need for additional educational facilities in this field. Wisconsin had the first state-wide system of vocational education in the United States.

The Legislature has established a State Board of Vocational, Technical and Adult Education which is independent of the Department of Public Instruction. Wisconsin is the only state in the nation in which this "dual" organization is used. The State Board is composed of three employers, three employees, and three practicing farmers who are appointed by the Governor for six-year terms.

In addition, the State Superintendent of Public Instruction or his designee; a member (or designee) of the Industry, Labor and Human Relations Commission; and the President of the Board of Regents of the University of Wisconsin System also serve as members. [15.94]

The Legislature in 1965 directed that a master plan be prepared and that by July 1, 1970, all areas of the state were to be included in a vocational, technical and adult education (VTAE) district. Eighteen vocational, technical and adult education districts including all areas of the state were established by July 1, 1970. Each district is governed by a seven-member board consisting of two employers, two employees, and two additional members. These six members are appointed by the school board presidents of districts having territory within the VTAE district, or the county board chairmen of the counties served by the VTAE districts, depending upon the petition for creation of the district. [38.08, 38.10] The six appointed members are directed to select a school district administrator from within the area included in the VTAE district to serve as the seventh member. [38.08] The board of a VTAE district may levy a tax not exceeding 1.5 mills for the purpose of operating and maintaining the schools. [38.16]

Intermediate Administrative Organization

The office of town superintendent, created in the early days of statehood, was soon found to be inadequate. Early state superintendents recommended the county as the proper administrative unit. In 1861 the State Legislature created the county superintendency, transferring to this office the duties of examining and licensing teachers, inspecting schools, and conducting teachers' institutes. With some modification of duties and qualifications over the years, the office of county superintendent persisted for over a century.

As continuing school district reorganization increased the size of local school districts and made it possible to provide more adequate supervisory and administrative services locally, the need for a county superintendent in each county tended to diminish, particularly in counties where a high proportion of the pupils were in city school districts and thus not subject to the jurisdiction of the county superintendent. Legislation permitting a county superintendent to serve two or more counties was enacted in 1959 and by 1965, 35 counties were involved in such jointures. However, the jointures also proved inadequate to provide the range of services needed by local school districts and on July 1, 1965, the office of county superintendent was abolished and replaced by a system of Cooperative Educational Service Agencies.

In 1964 the Legislature provided for the creation of a committee of 18 legislative, municipal and educational leaders to establish criteria for the creation of the Cooperative Educational Service Agencies and to develop a plan which would include all area of the state in such agencies. After six meetings and a series of hearings held throughout the state, the committee adopted a plan which provided for the creation of 19 Cooperative Educational Service Agencies. The Cooperative Educational Service Agency (CESA) represents a new concept in school

organization. It was created in recognition of the need for some type of a service unit between the local school district and the Department of Public Instruction.

The purpose of the agency is to serve "as a convenience for school districts in co-operatively providing to teachers, students, school boards, administrators and others, special educational services including, without limitations because of enumeration, such programs as research, special student classes, data collection, processing and dissemination, in-service programs and liaison between the state and local school boards." [116.01]

Unlike the county superintendency, which was based on county boundaries, the Cooperative Educational Service Agencies follow school district boundaries so that no school district is in more than one CESA. Each agency is governed by a Board of Control composed of members of school boards of districts within the agency. [116.02] Each agency also has a Professional Advisory Committee composed of the administrator of each school district in the agency. [116.05] The duties of the Board of Control include determining the policies of the agency and appointing an agency coordinator to administer the affairs of the agency. [116.03] The agency coordinator, who must be a licensed school administrator, is responsible for implementing the policies of the Board of Control, coordinating the services of the agency, and securing the participation of the member school districts. [116.04] The agency coordinator has no regulatory duties; his function is to coordinate the services provided by the agency and implement the policies of the board.

The Cooperative Educational Service Agencies have no taxing power. Each agency receives state aid to pay the coordinator's salary and the expenses of operating his office. All other income of the agency is derived from payments made by local school districts for services provided them under contracts with the CESA or federal grants. Among the services and personnel which have been provided to local school districts by the agencies are shared teachers in subjects such as art, driver education, vocational education, music and reading; shared administrative and supervisory personnel such as Coordinator of Instruction and Curriculum Consultant; special education personnel such as psychologists, psychometrists, social workers and speech therapists; and other services such as cooperative purchasing, data processing, test scoring and media libraries.

The principal features of the Cooperative Educational Service Agency organization may be summarized as follows:

1. Each agency consists of a contiguous group of school districts.
2. The agency is governed by a Board of Control consisting of 11 school board members from as many school districts within the agency area.
3. The agency has no regulatory power over member school districts.
4. The agency has no taxing power.
5. The agency is administered by a coordinator who is selected by the Board of Control and who must be a licensed school administrator.
6. Each agency has a Professional Advisory Committee composed of the administrator of each local school district in the agency.
7. The agency provides services to individual member districts on a contract basis.
8. Member school districts are under no obligation to use the services made available by the agency and pay for only those services for which they have contracted.

9. The agency may provide any service which a local school district legally may provide.
10. The agency is not an arm of the Department of Public Instruction but does serve in a liaison capacity between local school districts and the state.

Types of School Districts

The Wisconsin Statutes identify five types of public school districts. The *Common School District* is characterized by an annual meeting of voters in the district and may operate either an elementary school program (grades K-8) or a twelve-grade program. [120.001-120.23] The *Union High School District* is similar to the common school district in every respect except that it operates an educational program for grades 9-12. [120.001-120.23] The *City School District* (or *Joint City School District*) commonly operates a twelve-grade program and has a school board either elected directly by the voters of the district, or appointed by the mayor, or appointed by the common council. [120.40-120.61] The *Unified School District* is under the management, control and supervision of a school board elected from the district at large and generally encompasses both urban and rural area. [120.70-120.75] Chapter 119 of the Wisconsin Statutes deals with school district organization and operation in the City of Milwaukee.

Creation and Reorganization of School Districts

For a number of years after Wisconsin became a state a new school district was created whenever another school was needed. As settlers moved throughout the state, numerous new districts varying greatly in size and adequacy were created. In 1900 there were about 6,400 school districts in the state and by 1937 this number had risen to 7,777.

The basis for school district organization and reorganization is found in the State Constitution. Article X, Section 3, specifies that "The Legislature shall provide by law for the establishment of district schools which shall be as nearly uniform as practicable." This provision places with the Legislature the authority to create, dissolve, alter and consolidate school districts, a power which the Legislature has used through the years to pass laws creating or changing school district boundaries either directly or through agencies established for that purpose.

Changes during the first half of the twentieth century had a marked effect on the adequacy of school district organization in Wisconsin. School populations increased in urban areas and decreased in rural areas; property valuations changed markedly; transportation facilities developed rapidly; and probably most important, people came to expect educational opportunities for their children which many existing districts were unable to provide. The cumulative impact of these changes made it increasingly clear to our legislators that a comprehensive plan for school district reorganization was needed.

As a result of studies and reports published in the 1930's by committees of educators and school board members, the 1945 Legislature established a committee to study and recommend proposals for the improvement of educational facilities in the state. One of the outcomes was a proposal for reorganization legislation. In 1947 legislation was enacted creating a county school committee in each of the state's 71 counties. Members of the committee were to be elected by the County Board of Supervisors; three from incorporated cities or villages

and three who were residents of the open-country area of the county. The county superintendent of schools was to serve as secretary of the committee but was not entitled to vote on committee decisions. When the office of county superintendent was replaced by the Cooperative Educational Service Agencies the county school committees were disbanded and their school district reorganization functions were transferred to agency school committees in each of the 19 Cooperative Educational Service Agencies [116.51-116.52] Each agency school committee is composed of seven residents of the territory within the agency who are appointed by majority vote of the CESA Board of Control. The coordinator of the CESA serves as secretary to the committee but is not a voting member of the committee. The agency school committee has the duty of studying and evaluating the existing school district structure, and, where the need exists for further school district reorganization, of formulating a plan to strengthen the school district structure within the territory of the agency. [116.51 (2)]

When the original reorganization legislation was enacted in 1947, Wisconsin had a total of 6,391 districts of which 4,127 were operating one-teacher schools and 1,187 did not operate a school. As the county committees prepared reorganization plans for their counties, and in a few cases established new districts, it became evident that additional legislation would be necessary to strengthen the original provisions. The Legislatures of 1949 and 1951 amended the original law by adding deadline dates for completion of comprehensive county plans and provided for a referendum on the reorganization orders in any county.

Many agencies and organizations in the state worked to develop public interest and understanding in the reorganization program. In a number of cases throughout the state reorganization action was begun by local citizens before the county committee found it necessary to act. Between 1948 and 1952 more reorganization orders were issued by municipal boards than by county committees and, in general, these reorganizations conformed with the master plans being prepared by the committees. Study committees, with representatives from each district to be involved, prepared data for distribution to local citizens with the result that local understanding of the proposition and acceptance of proposals developed through local action almost eliminated the need for referendums on actions by the various county school committees. School district reorganization was given further impetus in 1959 with the passage of legislation requiring all areas in the state to be in a district operating a high school by July 1, 1962.

Since 1937 over 7,300 school districts have been eliminated and the total number of school districts in the state has been reduced to less than 450. The establishment of twelve-grade districts and elimination of one-room schools have been perhaps the outstanding accomplishments of school district reorganization. The 436 school districts which existed in the state in the fall of 1976 were operating a total of 433 high schools, 184 junior high or middle schools, and 1,646 elementary schools. In total, 945,337 pupils were enrolled in Wisconsin's public schools in the fall of 1976.

Legal Status in Relation to Other Units of Government

Many legal ties exist between school districts and other units of government. A few fundamental points are useful as a basis for defining these relationships. Perhaps the best explanation of intergovernmental relationships involving school districts can be found in a study of court decisions.

The courts have often been called upon to define the relationship between the school and other units of government and they have consistently agreed that edu-

cation is a function of the state and that the public school is an agency of the state. The state has both the authority and the responsibility to create, develop and maintain a public school system. It may do this through constitutional provision, legislative enactment, or both. In fact, the state exercises complete power over public education as long as it does not violate any portion of the federal or state constitutions.

The courts have upheld the powers of local school boards when these powers have been specifically granted by the state constitution or by legislation, when the powers can be reasonably implied from the above enactments, and when certain discretionary powers are held to be essential in order to carry out their prescribed duties.

The following outline provides a brief description of the legal relationships between school districts and other units of government in eight basic areas.

I. FISCAL RELATIONSHIPS

A. Municipal Governments (cities, villages and townships)

1. Common School Districts and Union High School Districts
 - a. These school districts are fiscally independent to levy taxes within statutory limits. [120.10 (6), (7), (8), (9), (10), (11), (17)]
 - b. Budgets are recommended by school boards and approved by electors at the annual school district meetings. Local municipal governments have no power of review. Local school boards can increase the tax levy if the approved levy is insufficient. [120.12 (3), (4)]
 - c. The clerks of the school boards designate the tax assignment for each municipality in which the school district has territory. It is collected by the municipal authorities and returned to the districts. [120.17 (8), 74.03 (5)]
 - d. Bond issues for acquisition of sites, buildings, renovation, etc. are approved by the electors of the district, and the taxes for retiring such indebtedness are certified and collected by the local municipalities. [120.10 (5), 67.05 (6), 120.12 (4)]
2. City School Districts
 - a. These districts are not fiscally independent. Although individual items are not subject to disallowance by municipal boards in their review of the budget, the total proposed tax levy must be approved by the city council or by joint action of municipal bodies if a joint city school district including both city and noncity area. [120.49 (4), 120.50, 120.51]
 - b. Bond issues for sites, building construction, renovation, etc., are subject to approval by municipal governments as provided by Wisconsin Statutes, Chapter 67.
3. Unified School Districts
 - a. These districts are fiscally independent. The school board of a unified school district determines the tax levy for school purposes. [120.71, 120.75]
 - b. Bond issues or other long term debt must be approved by electors of the district under the referendum procedures detailed in Chapter 67 of the Wisconsin Statutes. [120.75]

4. City of Milwaukee
 - a. The school district is fiscally independent.
 - b. The school board determines the necessary tax levy and reports it to the City Council for inclusion with the rest of the city levy for collection. [119.46]
- B. State Government — all school districts
 1. State aids are paid to all districts in accordance with statutory formulas and upon certification by the state superintendent of public instruction. [121.01-121.21]
 2. Tuition for wards of the state is paid to local school districts. [121.79]
 3. Transportation aid based on the distance pupils are transported is paid by the state to local districts. [121.58 (2) (a)]
 4. Aid is paid for the instruction of homebound and handicapped children. [115.88]
 5. Aid is paid for approved courses in driver training. [121.15]
11. SCHOOL DISTRICT ORGANIZATION
 - A. School Boards
 1. Small parcels of property adjoining the boundary line between two school districts may, upon written petition by the owner, be attached or detached by joint action of the school boards of the districts involved. [117.08]
 - B. Agency School Committee
 1. An agency school committee upon either the filing of a petition by 10 per cent of the electors residing in the territory affected or upon its own motion, may, after holding a hearing, order the reorganization of school districts within the agency. [117.02 (1)] If the territory affected lies within two or more Cooperative Service Agencies, the agency school committees involved act as a joint agency school committee. [117.02 (2)]
 2. Either upon its own motion or upon petition by a sufficient number of the electors of the territory affected the agency school committee may order the holding of a referendum upon an order for the reorganization of school districts. The common council of any city affected by an order of school district reorganization also may demand the holding of a referendum on the order. [117.02 (4)]
 - C. State Government
 1. Since all school districts legally are agencies of the state, the Legislature has virtually unlimited power to create, alter or dissolve school districts.
 2. All territory within the state must be in a district which operates a high school. [117.01 (1) (e)]
 3. The state superintendent advises and consults with agency school committees and may make recommendations to the appropriate agency school committee concerning the creation, alteration or dissolution of school districts. [117.02 (8)]

4. Any person aggrieved either by the issuance of an order or the failure to issue an order for school district reorganization may appeal to a state appeal board [117.03 (1), (2), (3)]
5. Any person aggrieved by a state appeal board's order may appeal to the courts. [117.03 (4), (5)]

III. SUPERVISION AND REGULATION

A. County Government

1. Counties may create a "Handicapped Children's Education Board" which may establish a program of educational services for handicapped children in the county. [115.86]

B. State Government

1. The state superintendent may require from local school districts such reports as he deems necessary. [115.30 (1), (2), (3)]
2. Supervisory and consultative services are provided to local school districts by the Department of Public Instruction. [115.28]
3. State supervisors of schools serve as inspectors of public school buildings and the state superintendent may order the repair, improvement, remodeling or replacing of school buildings which are not safe for pupils or which are otherwise unfit for school purposes. [115.33]
4. The Legislature may require the teaching of certain subjects and the appropriate observance of certain days. [118.01, 118.02]

IV. PERSONNEL

- A. All teachers, counselors, supervisors, and administrators in the public schools must hold a valid license issued by the state superintendent. [115.28 (7), 118.19, 118.21]
- B. Wisconsin Employment Relations Commission: Administers the provisions of the statutes concerning bargaining by municipal employers and employees, including school districts. [111.70]
- C. Department of Industry, Labor and Human Relations: Administers the provisions of the statutes concerning fair employment practices, including making rules to carry out the intent of the act. [111.32]

V. PUPIL TRANSPORTATION

State statutes and departmental rules and regulations administered by the Department of Public Instruction and the Motor Vehicle Department establish regulations governing school bus standards, qualifications of school bus drivers, insurance on school buses, school bus routes and other aspects of pupil transportation. [121.51-121.58]

VI. HEALTH SERVICES

- A. Municipal Board of Health: local health officers may exclude pupils from attending school when a dangerous communicable disease threatens and may regulate and control conditions relative to contagious diseases. (143.03, 143.12, 143.13 and *Rules of The State Board of Health*)
- B. State Board of Health: The State Board of Health may close schools when deemed necessary to control epidemics. [143.02 (3)]

VII. POLICE PROTECTION

The municipality in which the school building is located has the responsibility of providing police services.

VIII. FIRE PROTECTION

1. Fire protection is provided to any school building by the municipality in which the building is located.
2. The local fire commission or fire chief has jurisdiction over school districts in regard to fire regulations of local or state origin.
3. The person in charge of any school is required to hold a fire drill at least once each month and to file annually a report pertaining to such drills with the Department of Industry, Labor and Human Relations and the chief of the local fire department. [118.07(2)]

This brief outline illustrates that the state, in providing for the establishment and maintenance of an adequate system of public schools, has assigned responsibilities to a variety of governmental agencies. Although the administration of each local school is primarily a responsibility of the people of the district, the state uses a variety of measures to insure that each school serves the interests of all the people.

Points to Remember

- ★ We do not have a federal system of education in the United States.
- ★ The Wisconsin Legislature has both the responsibility and authority to create, develop and maintain a system of public schools.
- ★ The Wisconsin Legislature has complete authority to create, alter, consolidate, or dissolve local school districts.
- ★ The State Department of Public Instruction provides leadership and services to local school systems.
- ★ School districts have important legal ties with other units of government.

For further reading, see Appendix.

CHAPTER II

THE SCHOOL BOARD MEMBER

Responsibility for the operation of the schools is vested in the school board, not in its individual members; yet the capabilities of the individual members will determine the effectiveness of the school board. An organization is no stronger than its individual members. The school board is no exception. Good school boards will only be found where individual members recognize the public trust they have been given and contribute their best efforts in discharging their duties and responsibilities.

Qualifications

Wisconsin imposes minimum qualifications for election to school board membership. Any eligible elector may be a candidate for school board membership. An eligible elector must be a citizen of the United States, eighteen years of age, and a resident of the district for at least ten days preceding the election. Residence for voting purposes is the place where the elector makes his permanent home and to which he expects to return if temporarily absent. [6.02; 6.10]

School board members, whether elected or appointed, must file a written oath of office with the clerk of the board, or in the case of city districts, with the city clerk, before they are legally entitled to hold office. [19.01, 120.06 (10), 120.43 (1)]

Far more important than the legal qualifications are the personal philosophy and character of the school board member. A good school board member should endorse a philosophy of education based on the belief that *ALL* the children of *ALL* the people served by the school district are entitled to the opportunity to receive the soundest possible education in the public schools of the district.

Few public positions are more important than that of the school board member. Tomorrow's citizens are largely a product of the public schools of today. Since the programs and policies of the schools are to a great extent determined by school boards, it is apparent that the decisions of school board members affect the lives of many people. School board members are community servants rather than representatives of a particular area or faction. All their decisions must be based on what is best for the entire community if they are to fulfill the public's trust. Teamwork with fellow board members is important. School problems should not be decided on the basis of the Chamber of Commerce, the Farm Bureau, the village, the county, or any particular race, color, or creed. Problems should not be approached with an "ax to grind." The effective school board member looks at educational problems on a district-wide basis and works toward the best educational program for his community, state and nation.

School board members must always be free to act in the best interest of the schools without fear of conflict with any other interest. A person who is a public officer in some other capacity should not seek school board membership if there is any possibility that the duties of the two offices will conflict. It is a well accepted principle of law that a public official cannot hold two incompatible public offices at the same time. This principle is based upon the belief that it is to the public detriment for a person to hold two public offices if the duties of one would conflict with the duties of the other. Whether the office of school board member is incompatible with another office will depend on the facts present in a specific case. Should this issue arise, school board members should seek competent legal advice.

Good school board members are open-minded and ready to learn. They realize that effective organization and administration of the schools requires decisions based on facts, not prejudice. While a school board member is not expected to possess the same detailed knowledge of education as that expected of the professional educator, it is obvious that he must possess more than a passing knowledge of the schools and their problems if he is to make intelligent decisions in school affairs. Conscientious school board members use all the resources available to increase their knowledge of the schools and their needs. The Appendix of this handbook contains a bibliography of references which will provide valuable information for school board members. Other suggestions are:

1. Join and participate in local, state and national school board associations.
2. Establish and use a professional library for school board members.
3. Attend PTA meetings, school activities, faculty meetings and similar activities to obtain first-hand information about the schools.
4. Study the reports of the superintendent and other members of the professional staff.
5. Obtain and study reports of local community surveys or planning commissions; enlist the help of citizens' advisory committees on current problems.

Obtaining and Removing School Board Members

The number of school board members a common or union high school district may have is specified by statute. A common school district which operates elementary grades, or a union high school district, may have only three school board members unless the school district is coterminous with a town or has a population of 500 persons or more, in which case the district may have five school board members. [120.01 (1)] A common school district which operates both elementary and high school grades may have three, five, seven or nine school board members. [120.01 (2)] A common or union high school district also may have not more than eleven school board members if the members are elected according to a plan for apportioning school board membership among the cities, towns and villages within the school district. [120.01 (3), 120.02 (2)]

Prior to 1972, members of a board of education in a common or union high school district could be elected either at the annual school district meeting or at the regular spring election. Now all school board elections are held in conjunction with the regular spring election and the newly elected board members take office on the fourth Monday in April. The school district clerk is required to publish a class 1 notice [985.07] of the school district election no later than the third Tuesday in December. The notice must state the time, place and manner of filing declarations of candidacy for the school board. Prospective candidates have until the second Tuesday in January to file a written declaration of candidacy. By no later than the third Tuesday in January the school district clerk must verify the declarations of candidacy and, if there are more than twice as many candidates as there are positions to be filled, a primary election must be held in conjunction with the regular spring primary election. The school district clerk must notify the clerk of each municipality lying either wholly or partially within the district of the primary election, if one is to be held, and of the spring election. The school district clerk also must furnish each municipal clerk with a copy of the notice of the school board election and must provide the municipal clerks with an adequate supply of ballots for both the primary and

spring elections. The school district clerk must also have published a class 1 notice [985.07] at least seven days prior to both the spring primary election and the regular spring election giving the date of the election, the names of all candidates in the order in which they are listed on the ballot, and information concerning the location of the polling places and hours during which the polls will be open. Primary and spring elections for school board members are conducted by the same election officials who are responsible for state and municipal elections. [120.06]

The legislature has established a campaign financing law which imposes substantial disclosure requirements in the form of registration statements and financial reports which affect election at the local level, including school board elections. Complete information on the statutory requirements relative to campaign financing will be found in Chapter 11 of the Wisconsin Statutes.

The school board of a city school district operating only elementary grades may have either three or five members; a city school district which operates both elementary and high school grades may have three, five, seven or nine school board members or, it may have more than nine school board members if they are not elected at large. [120.42] In a joint city school district, that is, a district formed by joining territory outside a city with city territory, provision is made for the attached territory to have proportional representation on the school board. [120.43 (2)] Members of the school board of a city school district or a joint city school district may be elected either from the district at large, at large to numbered seats, or by aldermanic districts, at the spring election; they may be appointed by the mayor and confirmed by the common council, or they may be appointed by the common council. [120.43 (1)]

In a unified school district the school board may be composed of five, seven, or nine members or, if board members are chosen according to a plan of apportionment, the board may consist of not more than eleven members. [120.72, 120.02 (2)] Members of the school board of a unified school district are elected by ballot at the regular spring election. [120.73]

A plan of apportioning school board members or of electing school board members to numbered seats may be established by filing a petition with the school district clerk at least 30 days before the annual meeting in a common or union high school district or at least 30 days before the spring election in a unified school district. The petition must be signed by not less than 100 electors, except that in school districts which contain in whole or in part a city of the 2nd or 3rd class the petition must be signed by not less than 500 electors. The proposed plan must be adopted at the annual meeting or spring election. School board members elected under a plan of apportionment or plan of numbered seats must be elected by a vote of the electors of the entire school district.

Vacancies and Resignations

In addition to the expiration of terms, vacancies on school boards may occur for a number of other reasons. The most common are death of the incumbent, his resignation, his removal, or a change of residence which removes the incumbent from the district. [17.03]

Resignations of school board members should be addressed to the school district board. They must be in writing and must be delivered to the clerk of the school board. If the clerk resigns, he must deliver his resignation to the

director. [17.01 (11), (13)] An appointed school board member may be removed from office by the officer or body that appointed him at their pleasure, or in the case of an appointed city school board member by the common council for cause [17.12 (1) (c), 17.13 (1)] All school board members, either elective or appointive, may be removed from office by the judge of the circuit court. [17.13 (3)]

Vacancies may be filled in several ways. In common, unified, union high school and school districts in cities of the first class, vacancies on the school board are filled by appointment made by the remaining members of the board. Persons who are appointed to fill a vacancy do not serve for the unexpired term; they hold office only until a successor is elected at a regular school board election. [17.26 (1)] In city and joint city school districts vacancies are filled by appointment by the mayor, subject to confirmation by the council or the fiscal board. In such districts the appointment is for the unexpired term. [17.26 (2)] Any person who has been appointed to fill a vacancy on a school board, and has been notified of his appointment, is deemed to have accepted the appointment unless he files with the school board clerk or director a written refusal to serve within five days after he has been notified of his appointment. [17.26 (3)] In any event, the minutes of the meeting of the appointing body should contain evidence of the election or appointment of a person to fill a vacancy on a school board.

If a board member is unable to discharge the duties of his office because of temporary absence or disability, the board of education may appoint a person to perform his duties until such time as the disability no longer exists. [120.05 (3)] Temporary absence from the district may not exceed 60 days, however, since any school board member who is absent from the district for a period exceeding 60 days forfeits his office. [17.03 (4)]

Compensation

School board membership is usually regarded as an opportunity to render service to the community. It is traditional that school board membership is viewed as a public service performed without thought of pay. The lack of opportunity for financial gain has helped attract board members who are interested in serving their community and who regard school board membership as a high personal honor.

In keeping with this tradition, Wisconsin places certain limitations on the salary which may be received by board members in common and union high school districts. These limitations are low enough to insure that prospective board members will not be attracted primarily by the prospect of financial gain. Annual school meetings in districts operating only schools with two teachers or less may vote annual salaries not exceeding \$100 to all members of the board except the district clerk, who may receive \$125. [120.10 (3)] These limitations do not apply in union high school districts nor in common school districts operating schools with more than two teachers, but the salaries paid school board members in Wisconsin invariably have been limited to a modest sum. A board member in a city school district may receive such salary as the governing body of the city or fiscal board may determine and include in the annual city school budget. [120.48 (5)] Salaries of school board members in unified school districts are fixed by the board, but may not exceed \$10.00 for each regular or special board meeting actually attended. [120.74 (3)]

The annual school district meeting may authorize payment of the expenses of a board member when traveling outside the district on school business, and may reimburse a board member for actual loss of earnings when his duties require him to be absent from his regular employment. [120.10 (4)]

Wisconsin places legal restrictions on school board members who are tempted to profit financially from such membership. A member of a board in his private capacity may not enter into negotiation for any contract if, in his capacity as a public official, he is authorized or required to take part in the awarding of the contract. There are some exceptions to this rule. The most important is that a member of the board may enter into contracts which do not involve financial transactions with the school district of more than \$2,000 per year. Any contract in violation of this law is void and the school district incurs no liability from such contract. Violations of this law may be punished by fine, imprisonment, or both. [946.13] Teachers, administrators and other school employees, are prohibited from acting as agents or solicitors for the sale of school books, supplies or equipment within the district which they serve. Persons who violate this law are subject to fine and removal from office. [118.12 (1)]

The question of whether or not relatives of school board members legally may be employed by the district is sometimes raised. The courts invariably have ruled that a contract in which a school board member holds a pecuniary interest is invalid. The question, therefore, is whether a school board member does, in fact, hold a pecuniary interest in a contract between the district and one of his relatives. If no pecuniary interest exists, the contract is legal; if such an interest is found to exist, it will be ruled invalid. The wisest course of action is for school boards to refrain from employing close relatives (e.g., wife, husband, son or daughter) of board members and thus avoid the entire problem.

Legal Authority and Responsibility

It is extremely important that all school board members realize that school boards are corporate bodies and can act only as such. *NO* board member has the right to make decisions or act for the board. The school board is a continuing body. It is independent of its separate members. The only time school board members legally can transact business is when they are meeting together, as a board, in legal session. An officer of the board has no more authority in this regard than any other member.

Many people approach school board members during the routine of daily activities and attempt to obtain some commitment regarding the affairs of the school district. They often fail to realize that individual members cannot make promises on behalf of the board and that, if they do, such promises have no legal standing. School board members can contribute greatly to good public relations by dealing courteously, tactfully and fairly with such requests.

Education needs the support of the people. School board members need to utilize contacts with the public both to gain and provide information. If the board member is to represent the public, community opinions must be heard and carefully considered. Board members must be familiar with board policies and should give straightforward answers to questions about board policies. If no board policy exists on a specific problem, board members should not commit themselves to a position before all aspects of the problem have been considered by the board. Final judgment should be based on all facts and should be reached

through a consideration of the best interests of all those served by the schools of the district.

In accepting membership on a school board, an individual accepts a public trust. He has a responsibility to represent all the people of the district. He must be familiar with public opinion as well as the educational needs of the school system. A school board member must be an active and interested citizen of the community in order to discharge satisfactorily these responsibilities.

Personal Liability

The personal liability of school board members is limited in some respects. As long as school board members act in good faith and within the scope of their authority, as defined or implied by the law, they will not be held liable for the consequences of their actions.

School board members are not entirely immune from personal liability. They may be held personally liable for acts of the school board if the board intentionally exceeded its authority or if the board did not act in good faith. They also may be held personally liable for the misuse or loss of school funds and for injuries sustained by other persons because of the failure of the board, or an individual member of the board, to perform mandatory duties. A board member may be held personally liable if he exceeds his authority as a school board member — for example, by slandering a parent, teacher or administrator. Another potential source of liability is the Federal Civil Rights act; board members may be held personally liable if they deny a person the rights guaranteed him by the Act. In any event, the existence and extent of personal liability of a school board member must be determined by the courts after considering the circumstances surrounding the individual case. To avoid any possibility of personal liability, school board members should always act in good faith, with neither corrupt nor malicious motives, and in strict conformity with state statutes.

In view of the possibility that they may be sued for damages because of their activities, a school board should obtain personal liability insurance protecting the members of the board. The laws of Wisconsin also provide some protection for school board members and other public officials who become involved in a legal action in their official capacity as a school board member. If the court finds that the school board member acted within the scope of employment, any judgment entered against him must be paid by the school district. The school district also is required to pay reasonable attorney's fees and other costs of defending in the action unless the court finds that the defendant school board member did not act within the scope of employment, in which case payment of the board member's legal counsel is not provided. [895.46]

Helping the New Board Member

Regardless of how active a new board member may have been in community affairs and with school-community groups, he cannot be expected to know all a school board member should in order to do his best in his new position. Most new board members are willing and eager to learn so that they will perform their duties well. An orientation program will shorten the time needed by the new board member to become a functioning member of the school board "team." Experience alone can be a slow teacher. New members will need and appreciate the help that experienced board members and the superintendent can provide.

The following suggestions are offered as a minimum program for helping the new board member become acquainted with his job. Changes can be made to fit local conditions.

- The new board member should be introduced to the administrative personnel of the school system, members of the teaching staff and other board members.
- The new board member should be invited to attend all meetings between the time he is elected and the time he takes office. Although he cannot vote, he should be encouraged to take part in discussions so that he can become familiar with current problems and board policy and procedure.
- The new board member should be taken on a complete tour of school facilities, or in larger systems, a tour of representative schools. He should have an opportunity to become familiar with the instructional program through discussions with school personnel.
- The new board member should be provided with copies of school board policies, school board minutes, annual reports, school budgets, school surveys, advisory committee reports, school laws and any other pertinent information.
- The superintendent and experienced members of the board should invite and encourage the new member to discuss with them any questions he may have.
- Experienced board members and the superintendent should take the initiative in planning and carrying out an orientation program for new board members.

The following examples illustrate how each person can assist in the orientation of new board members.

Experienced board members can:

- Welcome the new board member and make him feel that he "belongs" from the very start.
- By action and conversation cause the new board member to feel that this is a job to be done by all members working together, regardless of any business or social relationships which may exist outside of the board's activities.
- Encourage the new member to feel free to ask questions and also invite his opinion on any decision, even though he may think that he is not qualified to comment.

The clerk or secretary of the board can:

- Make available to the new member the minutes of the board covering the last year or two and invite him to read them.
- Acquaint the new member with any statements of policy which have been adopted, preferably by providing him with a handbook of written board policies.
- Explain the accounting system and the routine of paying bills and record keeping which is being followed.

The superintendent can:

- Invite the new member to his office and review some of the recent annual reports.

- Discuss with the new member the current budget and review budgetary procedure.
- Review his duties and responsibilities as superintendent with the new member, as well as the duties and responsibilities of other members of the administrative staff.
- Discuss the district's salary schedule and personnel policies.
- Take the new member on a tour of the buildings and acquaint him with the district's facilities and the condition of the physical plant.

The Wisconsin Association of School Boards and the National School Boards Association provide valuable help to new school board members through workshops and special publications. For example, the Wisconsin association sponsors an annual institute for new school board members. The State Department of Public Instruction can help new board members by providing bulletins on statewide school problems, pamphlets interpreting school laws, and other informational material. Any source which can provide useful information should be used.

Points to Remember

- ★ Good school board members are interested in public service, not personal gain.
- ★ Decisions should always be made on the basis of what is best for *ALL* the children of *ALL* the people.
- ★ Individual members cannot act for the board.
- ★ School board members are agents of the state.
- ★ Board members must always act in conformity with the state statutes and in good faith.
- ★ New board members need to make a special effort to learn about their new job.
- ★ The Wisconsin Association of School Boards provides workshops for new school board members.

For further reading, see Appendix.

CHAPTER III

THE SCHOOL BOARD

The school board is a corporate entity — an individual — in the eyes of the law. The school board exists only when its individual members are meeting together in legal session. It is the school board, not the individual members, which looks after the affairs of the district. Each board member should be aware of the powers and duties of the school board and with the practices and procedures which promote efficient school board operation.

Functions of the School Board

School boards have two major functions — policymaking and evaluation. The board's competence in performing these two functions will in large measure determine its effectiveness. Of course, school boards also have other important functions such as keeping the public informed of the purpose, value, conditions, and needs of education in the community and cooperating with other agencies, both public and private, which are interested in the improvement of education and community life.

Policy-Making

A policy is a statement of principle adopted by the school board to guide the decisions of the board and the school administrator when problems which are similar in nature are considered. A well-organized school system needs a sound philosophy of education as a basis for policy-making and evaluation. A philosophy of education consists of a series of statements which set forth the major goals and objectives of education in the community. The administrator and faculty of the schools can provide valuable leadership in developing such a philosophy. Ideas and suggestions from the community should be sought. The statement of goals and objectives must be flexible enough to provide for changing conditions but stable enough to provide long-range guidance. In final form, the philosophy should be approved by the board and should guide its future decisions.

The need for written policies — The broad framework of policy within which schools must be operated is provided by federal and state constitutions and by statutes. While these sources of law define in broad terms what school boards must do, numerous questions arise which are not answered explicitly by the law but which, nevertheless, must be answered by the school board. Each of these questions requires a decision by the board, and often the same or similar questions occur repeatedly. Unless it has established written policies to supplement the broad framework of law provided by the constitution and statutes, the school board is apt to be inconsistent in its decisions and unfair to those affected by them.

Written policies clearly establish the position of the board for the guidance of citizens, pupils, teachers and other school personnel; they help insure continuity of policy as board membership changes; they help prevent inconsistency and prejudicial treatment of those who deal with the school board; they enable new board members to understand their jobs more rapidly; they are valuable guides to new administrators; and they save valuable hours of meeting time. Decisions based on written policies are less arbitrary, more consistent, and encourage public confidence in the school board.

School boards in Wisconsin have been given explicit authority to "make rules for the organization, gradation and government of the schools of the school district." It should be emphasized that such rules do not take effect until they

have been approved by a majority of the school board and filed with the school district clerk. [120.13 (1)] Thus, the adoption of policy by vote alone is not sufficient; the policies must be reduced to writing, approved by a majority of the members of the board, and filed with the clerk before they are effective.

Developing Written Policies — Development of written policy takes patience. It is no time for haste or snap judgments. Policies should be developed with care and should reflect the best judgment of all concerned. Broad participation of school district personnel in policy development should be encouraged. This will result in more effective policies as well as better acceptance of the policies. A review of the records of the board will reveal what policies have been enacted in the past. A committee for policy development which includes representatives of the teaching staff, other school employees, administrators and members of the school board can be very helpful in studying existing rules and suggesting new policies. Written policies developed by other boards may be studied. However, it should be remembered that policies must fit local situations. What applies in one system may not apply in another.

The question of what should be included in written school board policies is one that is best determined by the local school board. Policies should set forth fundamental principles of control, management and operation. **They should not** include the details of management. These details should be developed separately as administrative regulations within the framework of board policies and subject to the approval of the board. Suggested areas which might be included in a statement of policies are:

- Organization, operating procedures and duties of the board of education
- Administrative organization of the schools
- School personnel
- Pupils
- Use of school facilities

Written policies should never be considered final or absolute. They must be subject to modification as needs and conditions change. Consequently, provision should be made for periodic review and any necessary revision should be made.

One excellent source of help for school boards who are seeking to develop or update board policies is the Educational Policies Service of the National School Boards Association. The Wisconsin Association of School Boards has a special service and loan program for written policies. The Educational Policies Service provides a comprehensive program to help school boards develop, classify and update board policies and administrative rules. The service includes a system for coding, classifying and cross-referencing school board policies and a guide for use of the system; a monthly publication which identifies and discusses major trends that are likely to affect educational policies; on-call reference help on specific policies important to a board; and policy kits showing what other boards are doing about specific policy areas such as "board-superintendent relations" or "community use of the schools."

If school board policies are to be implemented, the board must provide the means by which they can be put into effect. Approval of a salary schedule, adoption of textbooks, or approval of a curriculum change afford examples of the type of board action which is necessary to make the board's policies effective. School board actions should be based upon the recommendation of the administrator

who, in turn, is guided by the policies which the board has established to govern the operation of the schools.

Evaluation

Continuous evaluation of board policies is necessary. Evaluation points out strong and weak points in the school system and establishes a basis for future action. The administrator and professional staff should be expected to assist school boards in evaluating the educational program by providing the necessary facts.

School board members often hear comments and criticism from pupils, school staff members and the general public. Care is needed to separate constructive criticism from that based on selfish motives. Specialists from outside the district are often asked to help evaluate portions of the school program. Although the school board should welcome information and advice from all sources, the final responsibility for evaluation rests with the board. Only the board is empowered to translate the results of evaluation into action.

Organization of the School Board

Wisconsin laws provide specific directions for the organization of boards of education in common, city, unified and union high school districts. School boards in common school districts are composed of three or more members. Officers of the common school district board are the director, treasurer and clerk. If the school board consists of three members, each member is elected directly to one of these offices and holds office for a three-year term. If the board consists of more than three members, the board elects officers from among its membership for one-year terms. [120.05]

The board of a city school district elects a president and a vice president from among its own membership. It also elects a clerk who need not be a member of the board. The city treasurer serves as the treasurer of the school board. [120.48 (2)]

The organization of a union high school board is similar to that of the board of a common school district. [120.05]

The school board of a unified school district elects annually from among its membership a president, vice-president, clerk and treasurer. A secretary, who need not be a member of the board, is also elected annually. [120.74 (1)]

Duties of the School District President

The president serves as chairman of all board meetings and sees that minutes are properly approved and signed. He countersigns all orders for the disbursement of district funds, defends the district from actions brought against it and prosecutes actions brought by the district. [120.15]

Duties of the School District Treasurer

The treasurer, within 15 days of his election or appointment, must file a bond equal to at least 5 per cent of the annual school district budget but in no case less than \$1,000. A bond in larger amount may be required by majority vote of the board. District funds may be used to purchase a surety company bond in the amount required. He receives all money due the district, deposits it in the designated public depository and disburses district funds on the written order of the clerk by check. He must keep account books of all receipts and disbursements

of the district and present a written statement of all receipts and disbursements to the annual meeting. He must also receive money raised in extra-curricular activities. [120.16]

Duties of the School District Clerk

The clerk is responsible for recording the proceedings of school district and school board meetings and entering them, together with copies of all reports to municipal clerks, in the district's official records. He must report the name and address of each officer of the school district to the clerk and treasurer of each municipality in which the district is located within 10 days of their election or appointment. He must draw orders on the treasurer and record them in a suitable book. He must furnish an approved school register to each teacher and preserve this register with the records of the district. He must furnish each teacher a copy of his contract with the board. He must deliver to the town clerk before the last working day in October each year a certified statement of the amount of taxes voted and the amount of taxes to be collected for annual payment on any indebtedness. He must notify the proper postmaster of the name and location of the school and proper disposition of mail addressed to the school. [120.17]

Qualifications of School Board Officers

Although the statutes impose no qualifications for school board officers other than those required of any school board member, they should be selected carefully for ability to do the job. This is particularly true when officers are elected by the board from among its own membership. The director or president, as presiding officer, should be familiar with parliamentary procedure and should be tactful and courteous. The treasurer and clerk should be chosen with an eye to their qualifications for the duties of these offices.

Powers and Duties of the School Board

School boards possess no inherent powers of any kind; such powers as they possess are conferred upon them by state statutes. In interpreting the laws, the courts agree that school districts may exercise the following powers: (1) those expressly granted by statute; (2) those that may fairly be implied in the powers expressly granted; and (3) those essential to the accomplishment of the purposes for which the school district was created.

It is practically impossible for state laws to cover all of the problems and activities which occur in all districts. Consequently, school boards often find it necessary to act in areas not specifically covered by state laws. They have wide leeway in such matters as long as they follow the spirit of the law and do not act in violation of constitutional or statutory prohibitions or requirements. Questions involving the authority of school boards to act on matters not specifically covered by state statutes must be settled by the courts. Once the authority of the school board is recognized, the courts will allow a great deal of discretion in board actions unless such power is abused through arbitrary, capricious, unreasonable or discriminatory acts.

The duties of common and union high school district boards in Wisconsin are specified in Wisconsin Statutes 120.12. The performance of these duties is compulsory. Disregard or disobedience of them is unlawful. When the law imposes a duty on a public officer which involves no exercise of judgment or discretion on the part of the officer, such duty is ministerial. Public officers are liable to third persons for injuries sustained as a result of failure to act or to perform ministerial duties properly.

The powers of common and union high school district boards in Wisconsin are listed in Wisconsin Statutes 120.13. The powers listed in this statute are permissive and give school boards authority to engage in any of the activities which are listed. School boards are granted broad discretion in the management of local school affairs as long as they act within the scope of authority granted by this statute.

The powers and duties of city school district boards are specified in 120.49.

Unified school districts possess all of the powers and duties granted common school district boards. They may also exercise all of the powers granted to the annual meeting of the common school district with the exception that they may not issue bonds or incur any other long term indebtedness without approval of the district electors in any instance where a common school district board is not allowed to do so. [120.75]

School Board Committees

Standing Committees

In years past, when school boards often consisted of a large and unwieldy number of members and well-qualified, professionally trained administrators were scarce, standing committees were often created and given considerable administrative responsibility. Today, however, most authorities recommend that a school board should operate without standing committees. Although some school boards continue to make effective use of standing committees, a number of potential pitfalls should be recognized.

When standing committees are maintained, great care must be exercised lest the board become a "rubber stamp" for its committees. If committee reports and recommendations are accepted or adopted without discussion by the board, it would appear that the board is substituting the thinking of a small number of its members, usually a minority, for the thinking of the entire board. Sound procedure demands that all board decisions be based on critical study and discussion of problems and policies by the entire board. Also, it is usually easier for one member to dominate a committee than for him to sway the judgment of the entire board on an issue. Unless carefully guarded against, the opinion of an individual board member may be given disproportionate weight when standing committees are maintained.

Another pitfall lies in the tendency for standing committees to usurp administrative responsibilities and interfere with the orderly working relationship which must exist between the board and the district's administrative staff. Then, too, decisions may be delayed unnecessarily by referral to standing committees, since board action must then await the report of the committee.

Standing committees may have a place in dealing with routine tasks. For example, some boards maintain a finance committee whose primary duty is to examine in detail the vouchers submitted for payment each month and make recommendations to the full board. It must be remembered, however, that a committee cannot act for the board. Only the full school board, meeting in a properly called session, is legally entitled to determine the policy of the district on any issue.

Special Committees

Special committees which are assigned a particular task and discharged when that task is completed can contribute much to the board's performance. For

example, a special committee might make a preliminary screening of candidates for the superintendency. Special committees of the board may be appointed to work with citizen's advisory groups or to tap special talents of board members. Reports and recommendations of special committees can only become official when adopted by the board in legal session.

Use of School District Facilities

Wisconsin school boards are vested with the possession, control, care and management of the property and affairs of the district. They also have certain duties in permitting the use of school district facilities. Upon written application by one-half the electors of the district, the school board must permit the use of school buildings and grounds for the discussion of public questions if this use does not interfere with regularly scheduled school activities. The school board must also grant the free use of school property to nonpartisan, nonsectarian, non-exclusive associations of citizens for the discussion of public questions or the promotion of public health. Such gatherings must be free to the public. [120.12 (1), (9), 10]

School boards also have the power to grant the use of school facilities in other cases. It may grant the use of school buildings to any responsible inhabitant of the district for public meetings which the board believes will aid in disseminating information and promoting good morals. It may grant use of the school house for lectures, entertainment and school exercises held under the auspices and for the benefit of the school and permit admission fees to be charged. It may grant free use of school facilities for civic, social or recreational activities if these do not interfere with the regular educational program. School facilities may not be used for public dancing if a majority of the electors protest or if a resolution against public dancing has been adopted at the annual meeting. School boards may grant the use of school facilities to any responsible organization for public meetings to which admission is charged. The board may decide what fee to charge for the use of the school facilities in this case. [120.13 (17-20)]

The Legislature may authorize the use of school property in any manner which does not conflict with the Constitution. School boards have authority to permit the use of school facilities only for purposes authorized by legislation or which can reasonably be implied from existing legislation. The original constitutional limitation forbidding the use for sectarian religious purposes of either tax supported public school property or funds raised for public school purposes was modified by an amendment to the Wisconsin Constitution in 1972. School boards may now permit religious organizations to use school property during nonschool hours upon payment of reasonable fees and upon such conditions as the board determines. [120.13(19)]

Because school boards may exercise broad discretionary powers in permitting the use of school facilities, it is important that definite policies be established by the board regarding the use of school district facilities by nonschool organizations. Such use should never be permitted to interfere with school purposes. Procedure for application, conditions of use and fees should be specified in a school board policy statement. This procedure will avoid misunderstandings and help maintain good school-community relations.

The Board Is a Unit

The fact that the legal authority of a local school board rests only in the board as a corporate body needs to be emphasized again. Members of the school

board as individuals do not possess the corporate powers of the board. School boards cannot give committees, employees or individual members the authority to perform acts over which the board as a whole has discretionary power. If actions are to be legally binding, they must be taken by the board as a whole while meeting in legal session.

The collective judgment of board members should be based on a singleness of concern for the welfare of the schools. They should aim at obtaining the best possible educational program for the schools of their district with the resources at their command. This aim can only be achieved when the board functions as a team with a clear understanding of its objectives and a sincere desire to achieve them.

Legal Authority of School Boards

Regarding School Rules and Regulations

School district boards may make rules for the organization, gradation and government of the schools and may designate a school district administrator or teacher who, with the approval of the board, also may make such rules and suspend a pupil for not more than 3 days for failure to comply with the rules. Only the school board may permanently expel pupils who persistently refuse to obey the rules. [120.13(1)]

School board rules must be reasonable. The question of whether a rule is reasonable can only be answered by the courts after considering the circumstances surrounding each case. The courts will not attempt to rule on the wisdom of regulations enacted by a school board, since this would be substituting the wisdom of the court for that of the board legally constituted to operate the schools. Rules and regulations may apply both on and off the school grounds if they have the instruction of the pupil as an objective.

Responsibility for administering the rules and regulations of the board of education should be delegated to the school administrator as the executive officer of the board. These rules and regulations should be evaluated from time to time and necessary changes should be made.

Regarding Religion and Discrimination

Article I, Section 18, of the Wisconsin Constitution guarantees freedom of worship and liberty of conscience to everyone. No religion can be given preferential treatment by state laws nor can public money be spent for the benefit of religious societies or theological seminaries.

Article I, Section 23, of the Wisconsin Constitution authorizes the Legislature to provide for the transportation of children to and from any parochial or private school.

Article X, Section 3, of the Wisconsin Constitution provides that no sectarian instruction shall be allowed in district schools. It also permits the Legislature to authorize the release of students during regular school hours to receive religious instruction outside the public schools. School boards must permit pupils who have written permission to be absent from school at least 60 minutes, but not more than 180 minutes, per week to obtain religious instruction outside the school. [118.155]

Exclusion from any public school because of sex, race, religion, nationality, physical condition or developmental disability is prohibited. Separate schools or

departments cannot be maintained for any person because of his sex, race, religion or nationality. Any member of a board of education who votes to exclude a child from a public school by virtue of his sex, race, religion, nationality, physical condition or developmental disability can be fined not more than \$100, imprisoned not less than thirty days or more than six months, or both. [118.13].

Discrimination in the employment of properly qualified teachers or other district employees because of age, race, creed, color, handicap, sex and national origin or ancestry is also prohibited. [111.31, 111.32 (5) (a)] Prospective teachers may not be questioned relative to sex, race, nationality, or political or religious affiliation by hiring officials or placement agencies. Violation of this prohibition may be punished by fine, imprisonment, or both and is cause for removal of any superintendent, member of the school board or any other public school official. [118.20]

Regarding Contracts

If school boards did not possess the authority to enter into contracts for such things as supplies, personnel and school construction, it would be impossible for a board to meet its responsibilities. A school board does not, however, possess the same contractual authority as an individual, since school boards are subject to restrictions imposed by both common law and statutory law.

The common law requirements of a valid contract may be summarized as follows: (1) capacity or authority to contract on the part of both parties; (2) mutual consent on the part of the contracting parties; (3) a valid consideration (the price each party agrees to pay for the promise or performance of the other party); (4) the rights and duties of each party clearly defined; and (5) the contract and its subject matter not prohibited by law and not against public policy. In addition to these requirements, school boards are limited to the authority expressly granted or implied by the statutes. They must also follow the mode or form prescribed in the statutes when particular requirements are specified.

As was previously mentioned, school board members are forbidden from having a personal interest in any contract which they negotiate as school board members. [118.12, 946.13]

Legal Liability of School Boards

Torts

A tort is a legal wrong committed against a person or his property independent of a contract. Torts may result from negligence, that is, failure to act as a reasonable and prudent person would have acted under similar circumstances. For many years Wisconsin courts followed the common-law rule that school districts were not liable for damages resulting from the negligent acts of their agents, officers or employees. In 1962, however, the Wisconsin Supreme Court ruled that henceforth the common-law rule of immunity from tort liability would not be followed; that Wisconsin municipalities, including school districts, would be held liable for damages resulting from the negligent actions of officers, agents or employees of the school district.¹ Following the Supreme Court's decision in the *Holytz* case, theoretically, at least, there was no limit to the amount of damages for which a school district could be held liable as a result of negligence on the part of its officers, agents or employees. However, in 1963 the Legislature provided that (1) an action founded on tort must be brought against a school

¹ *Holytz vs. City of Milwaukee*, 17 Wis. 2d 26, 115 N.W. 2d 618.

district within 120 days of the action or damage causing the claim and (2) recovery could not exceed \$25,000 per person for any one accident. [895.43] Thus, persons injured through the negligence of a school district or its officers, agents or employees are no longer arbitrarily denied recovery for their injuries. However, the maximum recovery which can be obtained by any one person injured in a given accident is limited to \$25,000.

It also should be noted that for many years school districts have been required to furnish a place of employment which is safe for employees and frequenters and are subject to liability for injuries resulting from their failure to do so. [101.11] The provisions of the Worker's Compensation Act also apply to school districts and provide protection for school district employees who are injured during the course of their employment. [Chapter 102]

Contract Liability of School Districts

Contracts which are beyond the authority of the board or which are prohibited by the Constitution or statutes are void and cannot be enforced. One who enters into a contract with a school board which is beyond the scope of its authority does so at his own risk, since all are presumed to know the law. Even if the school district retains the benefits of the performance of the contract, the courts will allow no recovery on the contract itself.

If a contract is within the power of the board but is irregular in some respect, it can usually be validated by ratification. This is accomplished by subsequent action of the board to cancel the irregularities and accept the revised contract. If the irregular contract is not ratified by the board, the courts will sometimes allow recovery of a reasonable value for goods or services received by the district. The question of recovery under illegal contracts is one that must be decided by the courts.

School boards may enter into contracts which bind succeeding boards if the contract does not extend for more than a reasonable time beyond the board's term. This is essential to the orderly transaction of the business of the district. For example, school boards may enter into three-year contracts for the transportation of pupils. [121.55] School district administrators, business managers, principals and assistants to such persons may be contracted for periods not to exceed three years. [118.24] Exceedingly long-term contracts may be regarded as evidence of fraud or collusion and thus may be ruled invalid.

School boards can avoid expensive litigation and unfavorable public opinion by remaining within the scope of their authority and following the law closely in their contractual relationships.

Points to Remember

- ★ School boards have two big jobs: policy-making and evaluation.
- ★ Written policies are a "must" for every school board.
- ★ Decisions should be made by the entire board, not by committees.
- ★ The school board's authority and responsibility are defined by the law.

For further reading, see Appendix.

CHAPTER IV THE SCHOOL BOARD MEETING

The importance of the school board meeting is apparent from the fact that the business of the school district can legally be transacted only when school board members are meeting together in legal session. All school board members should be familiar with the legal requirements regarding school board meetings and with the practices which contribute to the effective and orderly transaction of school district business.

Types of Meetings

In discussing school meetings it is necessary to distinguish between school *district* meetings and school *board* meetings. School district meetings are held in common and union high school districts. All qualified electors of the district are eligible to attend these meetings and vote on matters relating to the affairs of the district. School board meetings are meetings of the duly elected governing body of the district, i.e., the school board. While anyone may attend school board meetings, only members of the school board may vote on the business at hand.

School District Meetings — Legal Requirements

Annual meetings in common school districts are held the fourth Monday in July at 8:00 p.m. unless a different hour has been fixed by the previous annual meeting. The meeting must be held in a school house in the district if one of sufficient size to accommodate the electorate is available. If not, the meeting must be held at the nearest reasonable place. The clerk of the district is required to publish a legal notice of the time and place of the meeting in a newspaper published in the municipality, or if no newspaper is published in the municipality, in one that is likely to give notice to the area affected. [120.08 (1) (c)] The notice must be inserted at least two times, with the last insertion no more than eight days or less than one day prior to the annual meeting. [985.02, 985.07] Annual district meetings may be adjourned, but if the adjournment is for more than one month the same requirements for giving notice apply. [120.08 (1) (c)]

Special school district meetings may be called by the clerk, or in the clerk's absence, by the school district president or treasurer. A special district meeting must be called on presentation of a written request signed by at least 3 percent of the number of heads of families residing in the school district or 100 electors, whichever is less. If the request for the meeting includes a subject beyond the power of the special meeting to transact, the clerk must reject that subject and must so notify each elector who signed the request. A special school district meeting also may be called upon the motion of the school board. The requirements for giving notice of a special district meeting are the same as those for the annual school district meeting. Not more than two special district meetings to consider the same subject may be held in any one year, except in counties having a population of 500,000 or more where four such meetings may be held. No tax may be voted at a special meeting unless notice of such a tax is included in the notice of the meeting. The electors present at a special meeting may vote a tax in an amount less than that set forth in the notice of the meeting but not in a greater amount. [120.08 (2)]

The powers of annual and special school district meetings are set forth in section 120.10 of the Wisconsin Statutes.

In union high school districts, the annual district meeting is held on the 3rd Monday in July. The annual meetings of union high school districts are advertised, called and conducted in the same manner as are common school district meetings. The powers of the union high school district meeting are the same as those granted the annual meeting of a common school district. [120.08, 120.10]

School Board Meetings — Legal Requirements

The school board in a common or union high school district must hold a regular meeting at least once each month at a time and place determined by the board. A majority of the elected membership of the board constitutes a quorum. The school district president presides at school board meetings. If the president is absent, the board may select another member to preside at that meeting. The school district clerk is responsible for recording the minutes of the meeting but if the clerk is absent, the board may select another member to act as clerk for that meeting. [120.11(1)]

A special school board meeting must be held when requested in writing by any member of a common or union high school district board. The request for a special school board meeting must be filed with the district clerk or in the clerk's absence, with the school district president. Each member of the school board must be notified in writing of the time and place of a special school board meeting at least 24 hours before such a meeting. A written notice must either be delivered personally to each school board member or left at his usual place of abode. ([120.11 (2)])

In a city school district the school board must hold regular monthly meetings at such times as its rules prescribe and must inform the public of such meetings. A city school board also may hold special meetings under rules which it has adopted. [120.48 (1)]

The school board of a unified school district must meet in regular session at least once each month. Special meetings may be held at the call of the president or upon a request signed by a majority of the board and filed with the district clerk. [120.74]

The Open Meeting Law

It should be emphasized strongly that all school board meetings are subject to the requirements of subchapter IV of Chapter 19 of the Wisconsin Statutes which establishes as public policy that all meetings of governmental bodies shall be open to the public. The law states that "all meetings of all state and local governmental bodies shall be publicly held in places reasonably accessible to members of the public and shall be open to all citizens at all times unless otherwise expressly provided by law." [19.81 (2)]

A public notice must be given of each school board meeting. It is the responsibility of the school board president (or his designee) to communicate notice of school board meetings to the public, to those media who have filed a written request to receive such notice, and to the official newspaper designated under the provisions of sections 985.04, 985.05 and 985.06 of the Wisconsin Statutes. The notice must give the time, date, place and subject matter of the meeting in a form which will adequately apprise members of the public and the news media. The notice should be given at least 24 hours in advance of the meeting unless it is impossible or impractical to give 24 hour notice. In no case, however, may less than a two hour notice of the meeting be given. Separate

public notice must be given for each meeting at a time reasonably close to the date and time the meeting is scheduled. A subunit of the board (for example, a formally constituted committee) may conduct a meeting without giving public notice during a lawful meeting of the board, or during a recess or immediately following a meeting of the board, but the president of the board must publicly announce the time, place and subject matter of the subunit's meeting in advance of the board meeting. ([19.84])

The statute specifies the purposes for which a closed session may be convened and requires that such a session be convened by a motion made and carried by a majority vote in which the vote of each member is recorded. A motion to convene in closed session may not be adopted unless the president announces to those present at the open meeting the nature of the business to be considered at the closed session and the exemption under which the closed session is authorized. No business except that announced by the president may be taken up at any closed session. A closed session may be held for the following purposes:

1. Deliberating after a quasi-judicial trial or hearing.
2. Considering dismissal, demotion, licensing, or discipline of a school employee if the employee is given notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. (The employee may, however, request that an open session be held, in which case a closed session is not authorized.)
3. Considering employment, promotion, compensation or performance evaluation of an employee.
4. Considering probation, parole, crime detection and crime prevention.
5. Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other public business which for competitive or bargaining reasons require closed sessions.
6. Considering financial, medical, social or personal histories or disciplinary data which might unduly damage reputations.
7. Conferring with legal counsel concerning strategy to be adopted with respect to actual or possible litigation.

Secret ballots may be used only for the election of school board officers. The motions and roll call votes of the school board members on all other items of business must be recorded, preserved and open to public inspection. [19.21, 19.88]

A penalty of from \$25 to \$300 per violation may be assessed against each school board member who knowingly violates the open meeting law. A school board member will not be liable for attending a meeting held in violation of the open meeting law if that member makes or votes in favor of a motion to prevent the violation or, if before the violation occurs, the votes of the member on all relevant motions were inconsistent with all the circumstances which caused the violation. [19.96]

Even if they were not required by statutes, open meetings of the board should be the rule. The open meeting is one of the most effective public relations devices available to the board. It shows that the school board and the administrators have nothing to hide, it keeps people informed, and it builds confidence in the management of the schools.

Preparing For the School Board Meeting

Preparation for the business at hand must be made before the meetings. Thorough preparation is the first step toward conducting successful school board meetings. If a school board is to transact the business of the district in an efficient manner, its meetings must be well planned and must be conducted with dispatch. Every member of the board should have an opportunity to participate actively in the meeting but no member should be permitted to monopolize discussion.

Agenda Needed

An outline of the matters scheduled to come before the board and the order in which they are to be considered should be prepared in advance. This plan for the meeting can be a great time saver. A copy of the agenda should be sent to all members of the board several days in advance of the meeting. To help keep local citizens aware of district affairs, copies of the agenda should be sent to local news media for publication and a copy can be posted in the district office or board meeting room.

The agenda serves a double purpose; it reminds board members of the coming meeting and it enables them to give some preliminary thought and study to items scheduled for discussion. Some boards have found it helpful to differentiate between action items and information items when the agenda is prepared. Action items are scheduled early in the meeting to insure that they receive adequate consideration. Items of an informational nature are presented after action items have been dealt with.

The agenda should be prepared by the superintendent in consultation with the president of the board. The superintendent is in the best position to know the matters requiring board attention and their relative urgency. Individual board members, staff members and citizens should inform the superintendent of items which they wish to have placed on the agenda. Brief explanations of items appearing in the agenda and pertinent facts and figures which will be helpful to board members in considering the items should be included.

The agenda should be considered and approved early in the board meeting. Only extremely urgent cases should be added to the agenda at this time. Adding business to the agenda on short notice seriously curtails the opportunity to gather pertinent facts and give individual study to each item. The organization of the agenda may be changed and routine items held over to a future session whenever necessary. By preparing and using the agenda, important matters can be handled in a business-like manner and hasty decisions avoided.

The Meeting Place

School board meetings should be held at a school or in the district's administration building at a regularly scheduled time. Ready access to school district records should be available. If the school board does not have its own meeting room, a room in the building in which the superintendent's office is located is preferable.

The meeting room should be large enough to accommodate all who wish to attend. Members of the press and visitors should be able to hear and see what goes on without interfering with the board's work. Table arrangements which permit each board member to see all other members make communication easier.

Conducting the School Board Meeting

Most school boards hold regular monthly meetings and special meetings when the need arises. It is seldom necessary to hold more than two meetings per month unless urgent or unusual problems arise. If more than two meetings per month are regularly held, either the board meetings are poorly planned and conducted or the school board is trying to administer the schools instead of restricting itself to policy-making and evaluation.

Quorum

A majority of the elected membership of the board constitutes a quorum at a regular or special meeting. [120.11 (1)] If a quorum is not present, the board cannot legally transact business and any action it may take does not legally bind the district. A board may not set its own quorum by rules or by-laws.

When a quorum is present, a majority of those actually voting is legally binding. One who refuses to vote or casts a blank ballot is assumed to accept the decision of those who do vote.

Should Board Action Be Unanimous?

As a general rule, a proposed action should not be brought to a vote unless the board has had an opportunity to discuss the matter thoroughly. Although most school board actions are not brought to a vote until members of the board are in substantial agreement, unanimous agreement on all issues is unlikely and undesirable. Of course, when a school board member consistently finds that his opinion is not shared by any other member of the board he may wish to reexamine his stand very carefully. If, after a careful reexamination of the facts, he believes his point of view is justified, he should stand by it. Any attempt to exert undue pressure for unanimous agreement should be avoided. The most valuable assets any school board member brings to the meeting are his integrity and good judgment and these should never be infringed.

Unanimity of decision can be greatly increased by allowing sufficient time for deliberation on important policy decisions. Many people like to sleep on decisions before they take action. Public confidence in the board, as well as mutual confidence among its members, will be increased by avoiding the temptation to ram through decisions.

Keep the Meeting Short

Too often school board meetings have a tendency to drag along for several hours. Few meetings need to last longer than two or three hours. Items appearing near the end of lengthy meetings often fail to receive the attention they deserve in the haste to adjourn. They might better not be considered at all.

The first step in limiting meetings to a reasonable length is to adopt and follow the agenda. The second step is to begin and end meetings on time. Much of the responsibility for keeping the meetings on schedule rests with the presiding officer but he must have the cooperation of all members. While an informal atmosphere helps, attention should always be directed to the business at hand. Stock exchange fluctuations or the corn crop may be worthy subjects for conversation but there is seldom a place for them in the well-run school board meeting.

Many routine matters can be handled with ease if the superintendent has kept board members informed through a regular flow of information. Time-consum-

ing explanations can be avoided if the superintendent and his staff have prepared and sent advance information and recommendations to each member of the board between meetings. Board members can help by reading and reviewing these reports beforehand. There are too many important problems facing boards of education to waste valuable meeting time on routine matters.

Strict adherence to parliamentary procedure is not essential but order must be maintained. An informal meeting will do more to develop team spirit among the members than will rigid adherence to parliamentary procedure. However, parliamentary procedure should be followed to the extent of a formal motion, second, discussion and vote on each item of business.

The Place of the Administrator

As executive officer of the board of education, the administrator should attend all meetings of the board. He should take part in the board's discussion, clarify issues which arise, and present suggestions and recommendations on any matters coming before the board. The administrator should be expected to see that all business to come before the board is organized and presented at the appropriate time with the proper evidence and documents placed in the hands of each member. His performance can contribute a great deal to the efficiency of school board meetings.

In larger systems the administrator may wish to have members of his staff in attendance at board meetings. He may ask them to present information on occasion. In fact, many boards have found the practice of regularly devoting a portion of their meeting to a discussion of some phase of the instructional program with members of the professional staff to be extremely rewarding. This practice enables members of the board to become better acquainted with the needs and accomplishments of various facets of the educational program through direct discussion with teachers and administrators.

Keeping the Minutes

Every board must keep complete and accurate minutes of all meetings. The board's minutes are the only legal record of what transpires at each meeting. Within the jurisdiction of the board, minutes have the force of law and should be treated as if they will some day appear in court. (And it is quite possible that some day they may.)

In common and union high school districts, the clerk is responsible for recording the proceedings of both school district and school board meetings. [120.17 (2), (3)] The board of education of a city school district or a unified school district may elect its own secretary, who need not be a member of the board. [120.48 (2), 120.74 (1)] In any case, it is wise for the board to employ trained secretarial help to keep the minutes so that all members can give their full attention to the business at hand. The clerk or secretary should carefully read the minutes prepared by the stenographer and sign the official copy which is included in the school district records.

Each board action should be recorded in simple language. Motions should be recorded exactly as made and seconded, accompanied by the names of the persons who make and second each motion. It is important that motions be carefully worded to avoid misinterpretation before they are acted upon by the board. Discussions can be summarized briefly but a record of the names of board members voting for or against each motion should appear in the minutes.

Lengthy resolutions, documents and contracts may be summarized and made available as an appendix to the minutes.

The minutes should be duplicated and sent to all board members with the agenda for the next meeting. This practice permits each board member to have a copy of the minutes for his personal files. It also makes it unnecessary to devote board meeting time to an actual reading of the minutes. They may be approved, or corrected and approved, as circulated.

Official copies of the minutes and all attached references should be stored in a fireproof safe or vault with the other records of the district. Since school board records are public records, copies of the minutes should be made available to the public. In common and union high school districts the official proceedings of all school board meetings must either be published in a newspaper published in the district or publicized by districtwide distribution directed by the school board within 45 days after the meeting. If no newspaper is published in the school district, the proceedings may be posted or published as the school board directs. The proceedings must include the substance of every official action of the board and a statement of all receipts and expenditures in excess of \$100 except that salaries may be listed in the aggregate. [120.11 (4)] The proceedings of city and unified school district board meetings also must be published within 45 days after the meeting in a newspaper published in the city. If no newspaper is published in the city, the proceedings may be publicized as the school board directs. [120.48 (4), 120.74 (4)] (These requirements do not apply in cities of the first class.)

Delegations and Petitions

Delegations of persons should be formally received and heard. Requests should be considered carefully and a formal reply giving reasons for the board's action should be made. The meeting agenda should contain specific provision for hearing delegations.

The right of petition is one of the cornerstones of democratic government. Petitions should be formally received and read by the secretary and the petitioners informed of the board's action and reasons.

It is seldom advisable to act on the requests of delegations or petitioners at the meeting in which they are heard. This is particularly true when basic policy or controversial issues are involved. The board should obtain complete information on both sides of the question before taking action. While minority opinions should be heard, they should not be permitted to stampede the board to one point of view.

While the public has the right to attend board meetings, no individuals or groups have the right to enter into the deliberations of the board. They may take part in the discussion only when the board invites them to do so. Each speaker should receive recognition from the presiding officer, give his name and address, the organization he represents, and state his opinions briefly and concisely. It is wise to limit the time any individual may consume in debate. Visitors who create disturbances should be removed from the meeting room.

School board meetings are intended to conduct the affairs of the district, not entertain the public. Each board member should conduct himself as if there were no visitors present and address his remarks to his fellow board members.

Working With the Media

Most citizens will not attend school board meetings. They must depend on the press, radio or television for their knowledge of school board activities.

Good public relations require a good working relationship with the representatives of these media. They are concerned with the best interests of the community. Advance copies of reports, recommendations or summaries of matters to be considered will be appreciated and treated ethically in most cases. A school board which takes the representatives of the press and other media into its confidence will be repaid in accurate reporting and an informed community. School board members should not assume that the mere publishing of the board's official proceedings will keep the public well informed, since many citizens will not bother to read them. Timely lead articles and special interest stories will be appreciated by local newsmen and can be instrumental in developing public support for the school system.

Points to Remember

- ★ School board meetings should be planned thoroughly.
- ★ The agenda is a real time-saver.
- ★ School boards should hold regular meetings.
- ★ School board meetings are public meetings.
- ★ School board records are public records.
- ★ School district business is public business.

For further reading, see Appendix.

CHAPTER V

SCHOOL BOARD-ADMINISTRATOR RELATIONSHIPS

No area of school board responsibility is more important than that of establishing and maintaining a smooth working relationship with the school administrator. Unless harmony based on mutual trust, respect and understanding exists between the school board and the district administrator, it will be impossible to build a strong, well-balanced educational program.

The rapid turnover in school board membership which has occurred in recent years has greatly complicated the job of the school administrator. Too many new board members underestimate the difficulty of the school board member's job — the volume of information that must be mastered, the amount of time the job demands, and the conflicting expectations of their constituents. Caught up in the pressures of the job before they can "learn the ropes," new board members may make promises or incur obligations they cannot fulfill.

Inexperienced board members are apt to involve themselves in day-to-day administrative problems which they are ill-prepared to deal with satisfactorily. Problems caused by behavior of this type result in tensions between old and new board members and leaves the school administrator caught in the middle. Rapid turnover of board members also is likely to change the composition of the board and the new members may decide they want their "own man" as administrator. Thus, the administrator must do his best to help new board members learn their jobs and satisfy their demands while, at the same time, providing leadership to the professional staff of the district.

Policies should be adopted which provide the conditions necessary for good school board — administrator relationships. Among these conditions are (1) a sincere desire to work together harmoniously in reaching the objectives of the district; (2) willingness to share credit and accept blame; (3) placing the welfare of the school system above personal prestige or gain; (4) accepting honest differences of opinion and not permitting them to result in feuds; and (5) a clear-cut definition of the duties and responsibilities of each.

The Administrator's Job

The school administrator, as executive officer of the school board, bears major responsibility for translating the board's policies into an operating educational program. In fact, the effectiveness of the board's policies will be determined largely by the skill with which the administrator and his staff convert policies into action. It is imperative that school board members recognize that the board is responsible for establishing policy; the administrator is responsible for its execution.

As professional adviser to the school board, the administrator should be expected to contribute his thinking to the board's discussions and deliberations. School administration is very specialized today and requires a wide scope of competence as well as intensive study and training. Failure to take full advantage of the administrator's abilities represents an extravagance school districts cannot afford.

The school administrator is also the head of the district's staff of professional educators and is responsible for providing leadership in this capacity. This places him in the difficult dual role of representing the professional judgments of the

staff as well as serving as executive officer and professional adviser to the board. It means that he must consider the views and needs of staff members, the public as represented by the school board, and the children of the district.

The administrator, with the help of his professional staff, is responsible for the actual operation of the schools. Instructional policies must be put into action, various activities must be coordinated, and personnel and materials must be ready in the right place at the right time. While many activities have come to be associated with school administration, the most important are those which contribute directly to maintaining and improving the quality of the district's educational program. Schools exist to educate children and administrative activities should be evaluated with this primary purpose in mind.

The powers, duties and responsibilities of school district superintendents are set forth in Section 118.24 of the Wisconsin Statutes. Subject to the direction of the school board which employs him, the school district superintendent has responsibility for general supervision and management of the professional work of the schools and the promotion of pupils. The superintendent cannot be a member of the school board and cannot engage in any activity which interferes with the proper discharge of his duties as superintendent. He is required to make written recommendations to the school board on teachers, courses of study, discipline and such other matters as he thinks advisable, and must perform such other duties as the school board directs. A district superintendent may act as principal of any school under his supervision and must attend an annual convention called by the state superintendent.

The district administrator may be employed on a three-year contract, which must be in writing and be filed with the district clerk. The administrator may be employed (or released) only by a majority vote of the full membership of the board. [118.24(6)] If the board is contemplating non-renewal of the administrator's contract, he must be given a preliminary notice in writing by registered mail at least five months prior to the expiration of his current contract. The administrator then has seven days in which to file a written request for a public or private hearing before the board prior to being given formal written notice of the board's refusal to renew his contract. At least four months prior to the expiration of the administrator's contract, he must be given written notice of either renewal of the contract for a period of up to three years or refusal to renew the contract. If no notice is given, the contract then in force continues in effect for an additional year. [118.24 (6) (7)]

Differences of Opinion

Factions sometimes develop within a board and struggles for control take place. This conflict may spread into the community and undermine its faith in the competence and integrity of the board. The resulting turmoil is often disruptive and even harmful to the education of the children of the community.

Good school boards have found that team work is vital to efficient and effective operation. Obviously, school board members of integrity will not agree on every issue. Board members must be free to express honest differences of opinion and must base board action on a free discussion of each view point. Once a decision is reached, however, it should be accepted graciously by all members. If the board is to work as a team, compromise occasionally is necessary and respect for the honesty and integrity of fellow board members is essential.

Choosing an Administrator

The selection and appointment of an administrator is one of the most important functions of a school board. Few, if any, other decisions carry with them such far-reaching consequences. It is extremely important that school board members approach this task with a definite plan of action.

Legal Qualifications

Persons accepting administrative positions in Wisconsin are required to possess the proper administrative certificate. Requirements for these certificates have been set by the State Department of Public Instruction. They are designed to insure that persons possess suitable preparation and experience before being appointed to administrative positions in Wisconsin. (*Rules of the Department of Public Instruction: PI 3.10*)

Personal Qualifications

Although it generally is conceded that it is desirable that a school administrator possess certain personal qualities, no one has yet succeeded in identifying all of the personal traits a school administrator must possess if he is to be successful. Certainly, he must be a person of honesty and integrity; he must have the courage to carry out his duties in the face of adversity; he must be emotionally stable and able to accept criticism; and he should be able to inspire confidence on the part of teachers, pupils and parents. Perhaps most important, he must be able to establish and maintain good interpersonal relationships with school board members, teachers and members of the school community at large.

Professional Qualifications

The administrator's professional training and experience must equip him with technical "know-how" in many areas of responsibility. He must be familiar with the latest developments in teaching and learning. He must possess managerial competence of the same quality as that expected of top executives in business and industry. This includes competence in budgeting and accounting, personnel management, planning and maintaining the physical plant and financing educational operations. The administrative head of a school system must also be skilled in the art of communication and must be able to work effectively with people. People look to him for leadership, for answers to questions and for interpretation of school activities.

Under the leadership of the American Association of School Administrators (AASA), the National Conference of Professors of Educational Administration (NCPEA), and the University Counsel for Educational Administration (UCEA), the school superintendency has been the subject of intensive research. From this research new concepts of professional preparation for school administrators have developed which involve both formal academic study and supervised on-the-job experience. The importance of intensive formal study in preparation for a position as a school administrator has been widely recognized. Most school boards now look for candidates who hold a specialist certificate or a doctoral degree in educational administration when they seek an administrator for their district. They also recognize their obligation to assist in the preparation of school administrators by providing internship and study opportunities for persons who are preparing for administrative posts.

It should be emphasized that each local school board must determine the specific qualities it seeks in a school administrator. The "ideal" administrator is

yet to be found. The local board must decide which blend of personal qualities and special professional competence is needed in its situation. Finally, it must use its own best judgment to decide which candidate has the personality, background and ability most suited to the needs of the local situation.

Procedure in Selecting the Administrator

The overriding objective in selecting a new administrator is to find the best available person for the job. The first step is to agree on the procedure to be used. A special committee of the board may be appointed to do preliminary screening of applicants and recommend a small group of top-ranking candidates to the entire board for final decision. In some cases the entire board may wish to do both the screening and selection. In any event, agreement on procedure and adherence to it are important.

To guide school boards in selecting a school administrator, the American Association of School Administrators and the National School Boards Association recommend a procedure summarized as follows:

1. Determine the personal and professional qualifications desired of candidates. Consider such factors as age, marital status, educational qualifications, teaching and administrative experience, and any special abilities needed.
2. Determine the procedure to be used in evaluating candidates. Have each candidate rated by each board member independently and privately. Consider the use of a rating sheet to assist board members in evaluating each candidate.
3. Make a public announcement of the vacancy. Notify university placement bureaus, public and private placement agencies, professional organizations and individuals who might wish to suggest candidates.
4. Systematically review the qualifications of local staff members for the position. Give full consideration to qualified local candidates but do not limit the selection to local candidates. Obtain the best person for the job whether he or she is in the system or employed elsewhere.
5. Develop a list of qualified persons. Secure the assistance of the State Department of Education, the State Association of School Administrators, the Wisconsin Association of School Boards, placement agencies, and individuals in colleges and universities who are qualified to recommend candidates for the position.
6. Narrow the field by screening candidates to eliminate those who do not possess minimum qualifications for the position. Then narrow the field to a select few who will be invited for personal interviews with the entire board at the board's expense.
7. Hold a personal interview with each of the candidates considered best qualified for the position. Schedule the interviews well in advance, provide adequate time for a thorough interview with each candidate, and make sure the candidate has an opportunity to visit the school system and community in order to become aware of some of its strengths and weaknesses.
8. Visit the home community of the three or four leading candidates. Inform the candidate and the board which currently employs him of the planned visit. Be sure to meet the prospective superintendent's spouse and family.

9. Hold a second interview with the one or two most promising candidates; then make a choice and let it be known. Unanimous agreement among members of the board, although not essential, is a goal worth seeking.
10. Work with the press, television, and radio in announcing the new superintendent's appointment. Do not publicize the names of unsuccessful candidates.¹

Many school boards find it helpful to employ one or more consultants to assist them in the search for a new superintendent. Consultants can relieve the members of the board of many hours of frustration by helping them determine exactly what qualifications their new superintendent should possess, identifying candidates who meet the board's criteria, and screening the original list of applicants down to a manageable number of the most promising candidates. The final choice is, of course, up to the board, but a competent consultant can be very useful in helping the board find and hire the best-qualified candidate.

Wisconsin school districts may employ a superintendent on a three-year contract. [118.24 (1)] The practice of employing an administrator for a three-year period should be encouraged. This practice demonstrates the board's confidence in the administrator, gives him reasonable job security and provides ample time for him to demonstrate his ability. It takes time for any new administrator to become familiar with a school system and its problems. A school board which has made every effort to find and employ the best possible candidate as their administrator should have no hesitation in backing their judgment with a three-year contract.

Division of Functions

Regardless of how successful the school board is in choosing an able school administrator, all its work will be for naught unless the administrator's responsibilities are recognized, defined and acknowledged by the board. The general rule is that the school board establishes policy and the administrator executes policy. Adherence to this rule will produce teamwork. Examples of division of responsibility in five areas of school administration may help school board members in understanding the effect of this rule in practice.

Employment of Personnel

The board appoints and contracts with all personnel on the recommendation of the school administrator. It adopts salary schedules and policies covering such matters as sick leave, leaves of absence and in-service improvement programs. The board approves qualifications for positions and assignment of personnel.

The school administrator nominates all personnel for appointment by the board. If the administrator's nominee is disapproved, it should be for just cause and he should be asked to submit another nomination. He determines the qualifications for positions and submits them to the board for approval. He assigns, directs and supervises the work of all employees of the school district. He recommends all personnel policies for action by the board and executes all policies adopted by the board.

Instructional Program

The school board determines the general scope of the instructional program in accordance with state requirements and provides the necessary regulations to

¹ American Association of School Administrators, in cooperation with the National School Boards Association. *On Selecting a Superintendent of Schools*. (Washington, D.C.: AASA, 1962).

make the program effective. It discusses and evaluates reports about the instructional program presented by members of the staff. It acts on the recommendations of the administrator in the adoption of textbooks, courses of study and instructional materials.

The school administrator makes recommendations to the board regarding scope of the instructional program, procedures for evaluating the effectiveness of the program and instructional materials needed to make teaching effective. He assigns instructors their duties, schedules classes and activities, and exerts leadership in the constant evaluation and revision of the instructional program.

Pupil Personnel

The school board sets general policies affecting students and makes specific regulations governing such matters as corporal punishment, truancy, vandalism and discipline. It determines requirements for graduation, authorizes the establishment of special classes and provides for special programs of particular benefit to pupils, e.g., school lunch and medical examination programs.

The school administrator recommends regulations governing pupils to the board, directs the execution of such regulations and reports the effectiveness of the regulations. He directs the classification, promotion and graduation of pupils. He makes recommendations to the board concerning special programs needed and assists the board in evaluating these programs.

Budget Preparation and Execution

The board approves and adopts an annual budget for the district based on the educational plan of the district and the recommendations of the administrator. The board submits its budget to other local agencies or to the electorate for approval. It then supervises the execution of the budget. The board reviews school district accounts and business procedures and provides for an annual audit of the accounts as required by law. [120.14]

The school administrator works with school personnel to prepare an annual budget which he presents and explains to the board. He administers the budget adopted by the district, directs the financial accounting system and makes regular reports to the board concerning the financial condition of the school district.

School Plant

The school board plans new construction, purchases school sites and employs architects. It authorizes the purchase of equipment and determines policies on building renovation and maintenance.

The school administrator recommends school plant needs to the board, develops educational specifications for school buildings and works with the architect in planning the buildings. He also makes recommendations to the board concerning the renovation and maintenance of school property and places the board's policies in operation.

A more detailed breakdown of the roles and responsibilities of the school board and superintendent will be found in Appendix A.

An Administrative Team Is Needed

As larger districts are formed, it becomes physically impossible for one administrator to perform all essential jobs without assistance. This is particularly true in regard to managerial duties. Adequate secretarial and clerical help will permit the administrator to concentrate on the bigger problems facing the district.

An administrator cannot be expected to be equally expert in all of the many aspects of school administration. Even small districts can profitably use the assistance of consultants when unusual problems arise. Disinterested consultants can bring to local problems fresh points of view as well as broad experience with similar problems. They can be helpful in evaluating particular phases of the educational program. As the school system grows in complexity, attention should be given to expanding the administrative team. Administrative assistants with special responsibility, e.g., curriculum director and business manager, should be employed.

The statutes permit the employment of business managers, school principals and assistant principals, personnel administrators and supervisors, curriculum administrators, and assistants to such administrative personnel on three-year contracts. Procedures for contract renewal or non-renewal involving such personnel are the same as discussed earlier for the school district administrator. [118.24]

Obviously, the nature of the school district will have an important influence on the need for administrative assistance. A stable, compact school district with centralized buildings and limited transportation and school lunch programs can profitably employ a business manager when pupil enrollment reaches the 2,000-2,400 mark. On the other hand, a school district encompassing a large area in a dynamic, growing community with dispersed school buildings, rapid growth in enrollment, extensive school building programs and large school lunch and pupil transportation programs should consider employing a business manager when pupil enrollment reaches 1300. The same factors (nature of the district and size) should be considered when determining the need for a specialist in curriculum and instruction.

The employment of a business manager, when it is justified by the size of the school system, frees the administrator from many routine tasks and permits him to devote more time to instructional activities. The business manager's position should be subordinate to that of the district administrator. School systems should have only one head, the superintendent, who works directly with the board in all aspects of school management. Administrative assistants should work under the direction of the superintendent and report to the school board through the superintendent. This plan provides for centralized control, helps prevent friction and permits better coordination of effort.

Backing the Administrator

A good school administrator is a great asset to the schools and the community. School boards should make every effort to hold a capable administrator by giving him their support. A school system which is functioning smoothly cannot replace an administrator without suffering at least a temporary loss. Some of the know-how needed by an administrator can only be gained through experience in the school system. This experience is lost when a capable administrator leaves.

Public criticism is a hazard faced by all school boards and administrators. Boards should be cautious in evaluating criticism of a school administrator they have come to respect. Some criticism may come from people who are prejudiced or have selfish motives. Other criticism may come from staff members who resent having to change old habits even if the new ways are better. Some criticism will undoubtedly be justified. Certainly the school administrator should not be criticized for errors of judgment on the part of the board.

The American Association of School Administrators has identified certain "rights" of school administrators that most school board members will recognize as just:

1. The administrator has the right to the support of his board members as long as he is the administrator.
2. The administrator has the right to be provided with the necessary tools and clerical assistance to carry on the work of his office effectively.
3. The administrator has the right to be protected from too long work days and too close attention to his job.
4. The administrator has the right to protection from the fear of an unreasonable termination of his contract.
5. The administrator has the right to be protected from people who would use him or his office for their personal gain or prestige.
6. The administrator has the right to be allowed to steer clear of factions.
7. The administrator has a right to be protected against excessive or unfair criticism.
8. The administrator has the right to the appreciation of the board when his work is gratifying.²

Evaluating the Administrator

The school administrator is entitled to know whether or not his work is satisfactory to the board. Board members often wish to know how the administrator feels about the board and about their contributions as individuals. School board members and the administrator need to develop ways to find out where they stand with each other. Special meetings for this purpose have been used but each school board-administrator team should develop its own plan of evaluation.

Any evaluation depends upon objectives and facts. Unless the board and administrator have a clear idea of goals to be achieved and concrete facts to measure progress toward the goals, a fair and impartial evaluation is impossible. Judgment of the administrator based on personal differences, malicious criticism or unfounded rumors can only lead to disruption of the educational program of the school district. Judgments concerning an administrator's ability should be based on factual information concerning how well he does his job. If his performance fails to measure up to the expectations of the board, his shortcomings should be pointed out in frank and honest discussion. This should not be left to chance remarks, but should be stated in a manner that clearly indicates the source of the dissatisfaction. Constructive criticism will be welcomed by any competent school administrator.

Releasing the Administrator

There may come a time when it is necessary to release an administrator. If an administrator has been advised of his shortcomings, has been given an opportunity to correct them, and still persists in them, dismissal is the only alternative. It should never come as a surprise to him.

Less disruption in the community and the school system will occur if the administrator is given the opportunity to resign before he is dismissed or denied a renewal of his contract. If the administrator refuses to accept this alternative, dis-

² American Association of School Administrators, *School Board—Superintendent Relationships* (Washington, D.C.: AASA, 1956), pp. 63-65.

missal or nonrenewal of contract is necessary. Fair and considerate treatment should always be the rule.

Points to Remember

- ★ The administrator has a difficult dual role — executive officer of the board and leader of the staff.
- ★ Selection of a competent administrator is one of the board's most important jobs.
- ★ School boards establish policy; the administrator executes policy.
- ★ The administrator is responsible for all aspects of school management.
- ★ The administrator and board must work together as a team.

For further reading, see Appendix.

CHAPTER VI

THE SCHOOL BOARD AND SCHOOL PERSONNEL

The quality of a school system is influenced by many factors. Of these factors, the most important is the quality of the school staff. The school board must adopt policies which will enable the district to attract and retain competent personnel. These policies must recognize that while knowledge and skill are essential, conditions which contribute to high employee morale are just as important.

Bargaining With Employees

Legislation has been enacted in Wisconsin which grants to municipal employees, including teachers and other persons employed by a school district, "the right of self-organization, and the right to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection, and such employees shall have the right to refrain from any and all such activities except that employees may be required to pay dues in the manner provided in a fair-share agreement." [111.70 (2)]

Although a law concerning negotiations in public employment in Wisconsin was first enacted in 1959, it was not until 1962, when responsibility for administration of the law was lodged with the Wisconsin Employment Relations Board (WERB) that the law actually became effective. In 1967, the Wisconsin Employment Relations Board was renamed the Wisconsin Employment Relations Commission (WERC). The Commission, which was established in 1939 to administer the Wisconsin Employment Peace Act relating to collective bargaining in private employment, consists of three commissioners who are appointed by the Governor for overlapping six-year terms. Section 111.70 empowers the Wisconsin Employment Relations Commission to enforce the prohibited practices section of the state labor law; to function as a mediator in labor disputes upon request of the parties; to decide whether or not a given organization represents a majority of the employees if the question arises and, upon petition of either an employee organization or a school district, to conduct an election to determine whether or not the employees desire to be represented by a given labor organization (or not be represented by any labor organization); and to appoint a fact finder upon petition by either party in the event of a deadlock.

Prohibited Practices

Certain practices are prohibited by 111.70. Neither a school board nor an employee organization may restrain or coerce any employee in the exercise of the rights granted by the statute — for example, the employee's right either to join a labor organization of his own choosing or to refuse to join any labor organization. A school board legally may neither encourage nor discourage membership in any teacher organization or any other organization of school district employees.

A school board may not initiate, create, dominate or interfere with the formation or administration of any labor or employee organization, nor may the board contribute to the financial support of such an organization.

Supervisors are prohibited from holding membership in a bargaining unit to which their subordinates belong. Members of the school board and administra-

tive personnel of the school district are expected to play no part in determining the policies of an organization which represents teachers or other school district employees at the bargaining table.

It is also a prohibited practice for a school board to encourage or discourage membership in a labor organization by discrimination with regard to hiring, tenure or other terms or conditions of employment. For example, a school board which refused to hire, derided tenure, or attempted to dismiss a teacher because of his activity as a member of a teacher organization would be guilty of violating the law.

A school board may not refuse to bargain collectively with a representative(s) of a majority of its employees in an appropriate collective bargaining unit. Conversely, an employee organization may not refuse to bargain with the school board or its representative. Collective bargaining is defined as "the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representatives of its employees, to meet and confer at reasonable times, in good faith, with respect to wages, hours and conditions of employment with the intention of reaching an agreement, or to resolve questions arising under such an agreement . . . Collective bargaining includes the reduction of any agreement reached to a written and signed document." [111.70 (1) (d)]

It should be noted, however, that a school board is not required to bargain on subjects reserved to management except as such subjects affect the wages, hours and conditions of employment of teachers or other employees. Under the provisions of the statute, a school board may not refuse to bargain collectively with an individual or group designated by the teacher organization to serve as its bargaining agent or representatives. Should a dispute arise between the school board and the employee organization concerning the duty to bargain on a specific subject, the WERC may be petitioned for a declaratory ruling on the question. The decision of the Commission must be issued within 15 days after a petition for a declaratory ruling is submitted.

It is a prohibited practice for either a school board or the employee organization to violate any collective bargaining agreement previously agreed to by the parties. Should a disagreement arise with regard to the meaning or application of the terms of a collective bargaining agreement which is in effect, the parties may agree to submit the issue to final and binding arbitration. The ruling of the arbitrator must then be accepted by both parties.

One of the most significant cases dealing with prohibited practices under 111.70 was decided by the Wisconsin Supreme Court in 1967.¹ In 1964, the Muskego-Norway School Board decided not to renew the contract of a teacher. The teacher filed a complaint with the Wisconsin Employment Relations Commission alleging that the school board's refusal to renew his teaching contract was primarily the result of his activity on behalf of the teacher organization as a member of its negotiating committee. The school board claimed that, under existing Wisconsin statutes, it could refuse to renew the teacher's contract for any reason, or for no reason, but that its refusal to renew the contract of the teacher in question was a result of his inadequacy as a teacher rather than a result of his bargaining activities. The WERC decided that the school board's refusal to renew the teacher's contract was primarily motivated by his activities

¹ *Muskego-Norway Consolidated Schools v. Wisconsin Employment Relations Board*, 35 Wis. 2d 540, 151 N.W. 2d 617 (1967).

in the bargaining process and ordered the school board to offer him a contract. The Wisconsin Supreme Court upheld the WERC finding that the school board's failure to renew the teacher's contract was motivated primarily by his activities in behalf of the teacher organization and therefore was a prohibited labor practice within the meaning of 111.70. The Supreme Court's decision in this case established that the Wisconsin Teacher Contract Law (118.22) had been modified by 111.70 to the extent that a school board may not refuse to renew a teacher's contract because of the teacher's activity in bargaining on behalf of the teacher organization. It also was held in the *same case* that a teacher may not be compelled to attend a convention or other meeting of a labor organization, and that to compel such attendance is an unfair labor practice. However, if school has been dismissed to enable teachers to attend such a meeting, a teacher who refuses to attend may be required to report for work and to engage in professional duties.

Employee Bargaining Units

A number of questions have arisen concerning eligibility for membership in a local employee bargaining unit. Two major teacher organizations — the American Federation of Teachers (AFT) and its local affiliates and the National Education Association (NEA) and its local affiliates — have sought recognition as exclusive bargaining agent for the teaching staff, not only in Wisconsin but throughout the nation. A local teacher organization which is affiliated with the Wisconsin Education Association is considered to be a labor organization for the purpose of administering the statute. (WERC Decision No. 6544, November, 1963). All administrative and supervisory employees of the school district are considered to be agents of the school board and may not be included in the teachers' bargaining unit. The definition of supervisors contained in 111.70 includes any individual who has authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or to adjust their grievances or recommend such action.

In determining whether or not a given employee is a member of the teaching or the administrative staff of a school district, the WERC considers such factors as whether the employee in question has authority to recommend the hiring, promotion, transfer, discipline or discharge of employees; the number of employees he supervises; the employee's level of pay; whether the employee is supervising an activity or supervising personnel; and the amount of independent judgment and discretion exercised by the employee. (WERC Decision No. 6960, December, 1964). An employee who teaches at least 50 percent of the time generally will be permitted to vote in an election to choose a bargaining agent for the teachers.

The WERC has ruled that a school board may, through the collective bargaining process, grant to the exclusive bargaining agent representing its employees the right to check-off of dues upon receipt of voluntarily executed authorizations by employees; the right to use school facilities or premises for the purpose of conducting organization activities; and the right of access to data regarding the identity of employees included in the bargaining unit and the wages, hours and working conditions of such employees. (WERC Decision No. 6833A, March, 1966).

The school board and the bargaining agent for the teachers (or other personnel employed by the board) may enter into a "fair share agreement." A fair share agreement is one in which all employees in the bargaining unit are required

to pay their proportionate share of the cost of collective bargaining process and contract administration. A "fair share" is defined as the amount of dues uniformly required of all members of the bargaining unit. Employees are required to pay the amount whether or not they actually belong to the organization which represents them at the bargaining table. The fair share agreement is a negotiable item; the law does not require the school board to enter into such an agreement. A fair share agreement may be terminated if its continuation is not supported by a majority of the eligible employees in a referendum held pursuant to a petition for termination of the agreement submitted by at least 30 percent of the employees in the bargaining unit. [111.70 (2)]

Mediation

The WERC also may mediate disputes between a school board and its employees upon the request of both parties. In mediation, one or more members of the staff of WERC meet either jointly or separately with representatives of the school board and the employee organization and attempt to resolve issues which are in dispute. Mediation service is provided by the commission without charge. The attorney general has ruled that meetings between a mediator and the two parties need not be open to the public and that the mediator's function may be kept confidential without violating the state anti-secrecy law. (Opinion of the Attorney General, October 3, 1963). The object of mediation is to arrive at a settlement of disputed issues which is acceptable to each party. The mediator's function is strictly advisory and consultative; he has no power to enforce his recommendations.

Fact Finding

Either the school board, or the teachers' organization, or the parties jointly, may petition for fact finding if after a reasonable period of negotiation the parties remain deadlocked. When a petition for fact finding is submitted, the WERC must determine whether or not the conditions precedent to fact finding exist. If such conditions are found to exist, the board must then appoint a qualified disinterested person (or a three-member panel if such panel is jointly requested by the parties) to serve as a fact finder. The fact finder establishes the date and place of hearings which he conducts to ascertain the facts in the case. Such hearings generally are conducted in the school district. If necessary, the WERC may issue subpoenas for hearings conducted by the fact finder and the fact finder may administer an oath to those who testify. A court reporter often is retained to make an accurate transcription of all testimony offered at such hearings. Upon completion of the hearings, the fact finder studies the testimony and evidence submitted by each party, conducts such additional investigation as he may deem necessary, and makes a written statement of his findings of fact and his recommendations for solution of the dispute. Not more than 30 days after receipt of the fact finder's recommendations each party must advise the other party and the WERC, in writing, of its acceptance or rejection of the fact finder's recommendations. The fact finder's recommendations are not binding on either party. Rather, it is assumed that if his findings are well documented and his recommendations are reasonable, they will sway public opinion and thus will be persuasive upon the parties. The costs of fact finding are born equally by the school board and the employee organization.

Other Provisions of the Law

The statute provides that when an agreement has been reached between the school board and the employee organization, the agreement shall be reduced to

writing. Teacher contracts may be issued if an agreement has not yet been reached, but such contracts must include a clause indicating that the contract will be amended to conform to any subsequently negotiated agreement between the parties. An agreement may be negotiated for a term not exceeding three years.

The statute expressly forbids strikes by municipal employees. Anyone who violates the no strike provision after an injunction against such a strike has been issued shall be fined \$10 per day. It further provides that any employee who is absent from work because of an alleged illness shall be presumed to be on strike unless the illness is verified by a statement from a physician. Each day of continued violation of the no strike provision constitutes a separate offense, and any fine is to be paid by means of a salary deduction at a rate determined by the Court. When confronted with a strike or the threat of a strike, the school board may seek an injunction against the strike. If an injunction is obtained, legal action may then be initiated against strikers.

Preparing for Bargaining

It is very important that school boards recognize the need for professional help in preparing for and conducting negotiations with their employees. Most authorities agree that just as the members of the board of directors of a large corporation do not bargain directly with a union, members of a board of education should not bargain directly with employees. Rather, the board should be represented by a bargaining team composed of members of the district's administrative staff. In many districts, a professional negotiator has been employed to represent the board of education at the bargaining table. The board's bargaining team should include representatives of all segments of the management team. It is especially important that school principals are represented on the bargaining team so that all educational implications of the various items under consideration may be considered. Although several good reasons for following this procedure could be cited, perhaps the most persuasive is the fact that collective bargaining usually is a tedious and time-consuming process and direct participation makes an unreasonable demand upon the time of school board members. Furthermore, individual school board members are likely to be subjected to great pressure to accede to an employee organization's demands during the heat of a bargaining session. Unless they are experienced negotiators, board members may make concessions which they will later regret or which the full board will not accept.

The school board has the responsibility of establishing policy guidelines for its negotiating team. The board's negotiating team should work directly under the supervision of the superintendent. It is not essential that the superintendent be a member of the negotiating team, although he must be in constant communication with its members and they must work under his direction. The school board must be kept thoroughly informed of the progress of the negotiations and, when necessary, the negotiating team must return to the board for additional direction and guidelines. Any tentative agreements reached must be submitted to the board for its approval, for such an agreement is not valid and binding until it has been given formal approval by the board.

The Negotiating Process

It is important to note that Wisconsin law does not require that a school board accede to any demand made by an employee organization. Only the school board has final authority to establish policies for the school district. The law provides that school district employees have the right to confer or negotiate

with the school board or its representatives on questions of wages, hours, and conditions of employment, and that both parties must bargain in good faith. Good faith negotiation requires that both parties approach the bargaining table with a sincere desire to reach an agreement. The importance of good faith in bargaining between a school board and its employees cannot be over emphasized, for if the two parties negotiate in good faith in all likelihood they eventually will reach an agreement. Each party must be willing to consider proposals and counter-proposals seriously and reject them only for good cause.

The question of what issues are bargainable is one which arises with considerable frequency. The law provides for negotiations concerning "wages, hours and conditions of employment." The term "wages" is not limited to salary schedules; it also includes such fringe benefits as life and health insurance, sick leave, emergency leave, sabbatical leave, and similar direct or indirect benefits. The term "hours" includes such issues as the length of the working day, the hour at which teachers are expected to report for work, and the like. The term "conditions of employment" is much more difficult to define. Affiliates of both the American Federation of Teachers and the National Education Association interpret the term to include all aspects of the professional work of the teacher.

In Wisconsin, the Supreme Court has held that matters relating primarily to wages, hours and conditions of employment are mandatorily bargainable, and that matters relating primarily to school management and educational policy are not mandatorily bargainable but the impact of such matters on wages, hours and conditions of employment is mandatorily bargainable.²

However, just because an item is considered negotiable does not mean the board must accede to employee demands. While the board may be willing to discuss an item, it is not obligated to do as the employees wish. The final decision on any item remains the responsibility of the board. The Supreme Court has ruled that a municipal employer (such as a school board) may enter into a binding agreement to submit to arbitration differences arising under an existing written collective bargaining agreement, but not to set the terms of a collective bargaining agreement.³

Finding and Keeping Competent Teachers

In many areas the relationship between the teacher and the school board is prescribed by state statutes and by rules of the State Department of Public Instruction. In other areas school boards have a great deal of freedom. When school boards are permitted to use their discretion, each member's judgment must be fair and impartial. Decisions should be based on facts.

The board should not deal directly with teachers or other employees except under unusual circumstances. Employees should be responsible to the board's executive officer, the administrator. Individual board members should never deal directly with any district employee except when they are meeting with other board members in legal session. In case of dissatisfaction, the teacher may appeal for a conference before the board or the board may request an interview with a teacher. Teachers' committees may report to the board on the results of studies which will add to the board's understanding of school needs and furnish information for effective policymaking.

² *Beloit Education Assoc. v. WERC*, 73 Wis. 2d 43, 242 N.W. 2d 231 (1976).

³ *Local 1226, Rhineland City Employees v. City of Rhineland*, 35 Wis. 2d 209, 151 N.W. 2d 30 (1967).

Qualifications for Teachers

Minimum qualifications for teaching in Wisconsin schools are set by the requirements for teacher certification. However, possession of a license to teach is no guarantee that the teacher will be successful. Local school boards should encourage the preparation of job descriptions for each position in the school system and statements of the qualifications which are expected of job applicants. These should be prepared by the administrative staff and approved by the school board.

The tremendous expansion of knowledge which is occurring in all fields today dramatizes the need for prospective teachers to engage in intensive study in a variety of academic disciplines as well as in the techniques of teaching. It is unrealistic to expect that teachers will be able to acquire the depth and breadth of knowledge they need in less than four years of professional preparation. Indeed, five-year programs for the preparation of teachers are becoming increasingly common, as are internships and other arrangements which provide the prospective teacher with a more realistic introduction to the responsibilities of classroom teaching.

Our legislators have recognized the need for additional formal preparation of teachers by specifying that no certificate or license to teach in any public school may be issued to a person who does not possess at least a bachelor's degree, including such professional preparation as the state superintendent may require. [118.19 (3)] (Until the close of the 1971-72 school year, persons who possessed as little as two years of professional preparation could obtain a teaching certificate.)

Legislation provides that school boards, as a condition of employment, must require all employees of the district to submit to a physical examination including a chest X-ray or tuberculin test. A chest X-ray or tuberculin test is required at least once every three years. The physician making the examination must make a confidential recommendation to the board regarding the teacher's fitness for work in the school system. The cost of the examinations, including chest X-rays and tuberculin tests, is to be paid out of district funds. [118.25]

Any person who contracts to teach in a public school must obtain the proper certificate or license from the state superintendent. Requirements for the various permits, licenses and certificates, as well as procedure for obtaining them, are found in the *Rules of the Department of Public Instruction*. Within ten days after signing a contract to teach, a teacher must file in the office of the school district administrator a statement showing the date of expiration and the grade or character of the teaching certificate or license which he holds. No salary payments may legally be made to a teacher until he has fulfilled this requirement. [118.21 (2)]

Wisconsin has enacted legislation which specifically forbids employers to discriminate against properly qualified persons because of their age, race, creed, color, handicap, sex, national origin or ancestry. [111.31, 111.32 (5)] The statutes also specifically prohibit discrimination in the employment of teachers because of their sex, race, nationality, or political or religious affiliation. A school administrator, school board member, or any other public school official who violates this prohibition is subject to fine, imprisonment, or both, as well as removal from office. [118.20]

Finding Teachers

School board members should not personally engage in the search for teachers (or other personnel) except when employing a superintendent. The job of locating teachers should be delegated to the superintendent. The school board must recognize that time and money are required in locating competent teachers and budget accordingly. Many prospective teachers want information about the schools and the community in which they might teach. School boards can publish booklets containing pertinent information. The search for competent teachers should not be limited to the immediate locality. Teachers with diverse backgrounds can bring unique contributions to the educational program. A little extra effort in selecting teachers will pay dividends in improving the educational program. It will also avoid the problems involved in discharging unsatisfactory teachers.

Contracts With Teachers

Contracting procedure between school boards and teachers is spelled out in the statutes. Boards must contract *in writing* with qualified teachers. The contract, with a copy of the teacher's authority attached, must be filed with the clerk of the district. A contract with any person not authorized to teach is invalid and all contracts are automatically terminated if, and when, the authority to teach terminates. A teacher may not be employed or dismissed except by majority vote of the full membership of the school board, although contracts with teachers may be modified or terminated by mutual agreement. [118.21 (1), 118.22 (2)] All official action on teacher contracts must take place at a legal meeting of the school board and should appear in the minutes of the meeting.

Tenure

The statutes provide tenure only for teachers in a county which has a population of 500,000 or more. At the present time, this statute applies only to Milwaukee County. Teachers in Milwaukee County are granted tenure, or permanent employment, when they receive their fourth contract in the same school system. A teacher who is on tenure may be dismissed or discharged only for the reasons specified in the statute and upon written charges. A public hearing on the charges before the board of education must be granted if the teacher submits a written request for a hearing. [118.23]

Teachers in other counties in Wisconsin have a form of job security in the "Continuing Contract Law." This law requires that a teacher be given written notice of termination or renewal of his contract for the ensuing year on or before March 15. If this notice is not given, the contract then in force continues for the next school year. In either case, the teacher must accept or reject the contract, in writing, not later than April 15. [118.22 (2)]

If a school board contemplates non-renewal of a teacher's contract, at least 15 days prior to giving the teacher written notice of non-renewal the school board must give the teacher a preliminary written notice that it is contemplating non-renewal of his contract. The teacher has the right to a private conference with the school board if he requests such a conference within five days after receiving the preliminary notice. [118.22 (3)] In practice, this means that any teacher whose contract is being considered for non-renewal must be so advised, in writing, no later than February 28. If the board fails to give the required preliminary written notice that it is contemplating non-renewal of a teacher's contract, it may not later refuse to renew his contract.

School boards may provide a form of teacher tenure through their own policies and procedures, or by provision in a collective bargaining agreement. A school system benefits greatly when it is able to retain its best teachers. Careful selection, well-planned orientation and in-service improvement programs and adequate salaries will do much to encourage capable teachers to remain in the system. Written personnel policies provide the foundation for good school board-employee relations and help prevent misunderstandings and dissatisfaction.

The "Contract Jumper" Problem

Virtually every school board is faced with the problem of how to deal with a teacher who requests to be released from a contract in order to accept employment with some other district. In an attempt to control this problem, legislation has been enacted which prohibits a school board from entering into a contract with a teacher for any period of time during which that teacher is under contract to another school district unless that district releases him from his contract. [118.22 (2)] A board is not obligated to release a teacher from a contract and legally may compel the teacher to fulfill the terms of the contract. Most boards, however, follow the practice of releasing a teacher when the request is based on an opportunity for professional advancement or for reasons of health. A teacher who is forced to honor a contract under threat of lawsuit often will be a disgruntled teacher and a detriment to the educational program.

Some boards have inserted a "forfeiture clause" in teachers' contracts which provides that a teacher who fails to fulfill the contract will forfeit a specified sum of money. There is really no need for a forfeiture clause, since under contract law the district is legally entitled to recover an amount equal to the actual damage it has sustained. At least one court has ruled that the damage suffered as a result of breach of contract by a teacher is the expense incurred in obtaining a replacement.⁴

A school board which withholds any portion of the salary a teacher has earned as a "hedge" against the teacher seeking a release from his contract is acting illegally. This practice is equivalent to taking money which belongs to another. The safest procedure in cases where a teacher requests to be released from a contract is to grant the release with the provision that the teacher pay the expense involved in securing a competent replacement. Accurate records should be maintained in the event that a court test of this provision becomes necessary.

Salaries and Salary Schedules

A salary schedule is one of the most significant documents the school board will deal with, for it will influence profoundly the type of teacher who will be attracted and retained by the school district. Thus, the salary schedule should reflect the philosophy and long-term objectives of the board with regard to staffing the schools. A salary schedule may be weighed so as to be exceptionally attractive to beginning teachers, to be especially attractive to teachers who have gained some experience in other school systems, to reward long and faithful service in the district, to encourage (or discourage) teachers to engage in additional formal study, and the like. Every school board should consider carefully the effect the district's salary schedule is likely to have upon the nature and quality of its teaching staff.

⁴ *Independent School District of Manchester v. Dudley*, 195 Iowa 398, 192 N.W. 261.

The statutes make some provision for minimum salaries. State aid is withheld from any school district which does not pay at least \$2,400 to a teacher with two years of professional training, at least \$3,000 to a teacher with three years of professional training, and at least \$4,000 to a teacher with four years of professional training and a degree. [121.17 (2)]

The minimum salaries specified in the statute are totally inadequate for today's labor market. Consequently, most school systems have found it necessary to develop salary schedules for both teachers and non-professional employees which are adequate to attract and hold the calibre of personnel they seek.

Teacher salary schedules increasingly are the result of negotiations between representatives of the teacher's organization and representatives of the school board and incorporate mutually agreed upon provisions for the compensation of teachers. Most teacher salary schedules base the compensation of a teacher on the amount of formal training and years of teaching experience he possesses. These two variables are easily measured and are thought to be somewhat related to a teacher's competence.

Index-type salary schedules are also common. An index schedule establishes a percentage relationship between the salary paid a beginning teacher with a bachelor's degree and the salary paid at all other steps on the schedule. For example, a teacher who holds a master's degree and has five years of teaching experience might be paid 135 per cent of the salary paid a beginning teacher with a bachelor's degree. It is claimed that index-type schedules maintain a constant percentage differential between all steps on the salary schedule and that once the base salary is established, all other steps on the schedule are automatically adjusted.

Some school districts have experimented with merit salary schedules which attempt to relate a teacher's ability to the amount of salary he receives. The big problem in administering a merit salary schedule is that of identifying an objective and reliable method for measuring each individual teacher's contribution to the educational program. Few merit salary schedules have been successful over a long period of time.

A more promising approach to the problem of providing adequate compensation for the most able teacher is that of differentiated assignments. That is, the most able teachers are given additional responsibilities (such as leader of a teaching team), are hired for a longer period of time (11 months rather than 9 months), and are compensated at a level commensurate with their added duties and responsibilities.

The level of teachers' salaries is an important factor in attracting and retaining well-qualified teachers. It cannot be determined by supply and demand alone. The standard of living expected of teachers must also be considered. Teachers who are constantly harassed by economic worries cannot be expected to give their best efforts to their pupils.

In addition to contract salary, "fringe benefits" are becoming increasingly important. Teachers may be permitted to attend professional meetings without loss of pay. [118.21 (4)] School boards can encourage attendance at professional meetings by paying all or part of the teacher's expense. Most school boards are providing group insurance coverage for their employees. School boards have been given permission to use district funds to pay premiums on

health and accident and life insurance policies covering employees of the district. [66.185] Group health and accident and life insurance policies may be negotiated directly with insurance companies, or school districts may elect to participate in the State Group Life Insurance Programs if 75 per cent of their eligible employees agree to participate. [40.20] To participate in the state programs the school board must file a resolution indicating its desire to participate in the plan with the State Group Insurance Board by November 15. Coverage begins the following January 1.

A teacher may be held personally liable for injuries sustained by pupils as a result of the teacher's negligence. A school district also may be held liable for injuries resulting from the negligent acts of teachers or other district employees. School districts are authorized to procure liability insurance covering the district and its officers, agents, and employees. [66.18] This type of protection not only increases the teacher's financial security; it also helps those who are injured as a result of an employee's negligence to recover damages.

Teacher Retirement Provisions

Wisconsin has for many years maintained a State Teacher Retirement System (STRS). Legislation enacted in 1957 made it possible for teachers to also obtain coverage under the federal Old Age and Survivors Insurance Program (OASI) by creating two divisions in the teacher retirement program; a separate group (STRS only) and a combined group (STRS and OASI). Active teachers were allowed to choose whether to remain under the original STRS legislation or to become members of the combined group. Anyone who has become eligible for membership in the Teacher Retirement System after April 5, 1957 is automatically a member of the combined group.

Legislation enacted in 1965 created what is known as the "formula group" in the State Teacher Retirement System. The formula group is so-called because the retirement benefits paid to members of this group are determined by a formula which recognizes years of teaching service and pay, rather than being based entirely on the monetary contributions of the individual employee.

The school district must pay the employer's share for employees of the district who are covered by OASI. A school board may make all or part of the required contribution in behalf of any teacher, and such payments will be considered to be payments by the teacher. Unless made by the district, the employee's required contribution to both STRS and OASI is withheld from his salary and remitted by the district to the State Teacher Retirement Board. All members of STRS are required to make a deposit in the retirement deposit fund equal to 5 percent of all compensations they receive for teaching services. All legislation pertaining to the State Teachers Retirement System and the Milwaukee Teachers Retirement System will be found in Chapter 42 of the Wisconsin Statutes.

Leaves of Absence

The statutes prescribe, as a condition for granting state aid, the minimum number of days a teacher may be allowed for absence due to personal illness. No state aid will be paid to a district unless its teacher contracts provide at least five days of sick leave per year without loss of salary. Provisions must also be made for the accumulation of at least thirty days of unused sick leave. Local boards can adopt more liberal sick leave policies if they wish. [121.17 (2)]

Personal policies should also cover leaves of absence for other reasons, e.g., maternity, military service, exchange teaching, graduate study, temporary disability and death in the family.

Furnish the Necessary "Tools"

Modern schools use a wide variety of instructional aids. Experimentation with technological innovations such as language laboratories, educational television and computer-assisted instruction has produced some encouraging results. These and other teaching tools may eventually become standard equipment in every school. Suitable space and equipment also are essential. School boards can add a great deal to the effectiveness of teaching, as well as to the morale of teachers, by seeing that materials and facilities are available when and where needed. Few people rely on a mechanic who has no tools when their car needs repairs. Children should not have to rely on teachers who have no tools for their education.

The use of teacher aids to free teachers from routine nonteaching chores in order that they may devote full time to actual teaching has attracted widespread attention. Teacher aids include such persons as theme readers, instructional secretaries, teacher helpers and nonprofessional technicians. The 1961 Legislature authorized the state superintendent to establish classes of nonprofessional school employees and authorizes their employment in the instructional program [115.29 (3)]

Show Appreciation

The work of the employees in an organization is often taken for granted. This is just as true of school systems as it is of business concerns. A demonstrated interest in the financial and professional security of school employees is important. Your personal interest in their work is just as important. The feeling of being appreciated is a reward which any school board can afford to give its employees. A word of recognition or gesture of appreciation takes very little time or effort and pays big dividends in employee morale. Good school board members are acquainted with teachers and their work. They do not hesitate to give credit when credit is due.

Orientation and In-Service Improvement

A new teacher coming into a community is faced with many problems. He must establish a new circle of friends. He must become acquainted with his new home. He must become familiar with the abilities and aspirations of his students and the regulations and procedures of the school system.

School boards can help the new teacher by recognizing the need for a well-planned program to acquaint him with the community and its schools. Funds and staff time are needed. Responsibility for the program must be assigned. Good orientation programs help new teachers get off on the right foot. They benefit the schools by making new teachers more effective. They benefit teachers by enabling them to start their new jobs with greater confidence.

An in-service improvement program is also of direct benefit to the school district. Teaching is a difficult job. It involves working with individuals of varying interests and abilities. It also involves coordinating the many activities which are part of an educational program. Completing a college program of teacher

preparation does not complete a teacher's training. Research is continually producing new information about teaching and learning. An in-service program strengthens the educational program of the school by improving the knowledge and skills of its teachers.

The state has recognized the importance of a planned, continuous inservice program for the professional staff of a district. [121.02 (1) c)] A planned, continuous inservice program may include such activities as summer school attendance and participation in workshops, conferences, extension classes and similar activities.

School board policies should recognize the value of in-service growth of the staff. They should also recognize the school board's responsibility for encouraging such programs. Good in-service programs are not accidental. They are the result of careful planning and adequate financing. The school board must see that both are provided. Through salary and promotion policies, teachers who improve the quality of their work by conscientious study and effort can be recognized.

Terminating Employment

Dismissal is an awkward proceeding at best. In most cases the need for dismissal can be eliminated by using care in selecting and hiring teachers. Failure to employ good teachers penalizes the children of the district and undermines public confidence in the school board. Yet, in spite of all precautions, it sometimes becomes necessary to dismiss a teacher.

A majority vote of the full membership of the board is required to dismiss a teacher. [118.22 (2)] As noted previously, if the school board contemplates non-renewal of a teacher's contract, the teacher must be advised of this fact in writing at least fifteen days prior to the time the official notice of non-renewal is given and the teacher has the right to request a private conference with the school board within five days after receiving notice that the board is contemplating non-renewal of his contract. [118.22 (3)] In Milwaukee County, where teachers automatically are granted tenure upon receipt of their fourth consecutive contract, a teacher may be dismissed only for specified causes, following the procedure outlined in the statute. [118.23 (3)]

Although the legal situation has not yet been clarified completely, recent decisions by the U.S. Supreme Court indicate that teachers whose contracts have not been renewed may be entitled to an administrative hearing even if they do not have tenure. The Supreme Court has indicated that a teacher may be entitled to a hearing (1) if he has tenure; (2) if he had an oral promise of continued employment; (3) if he had an agreement where it was understood he would be reemployed except for cause; and (4) if he can prove nonrenewal would injure his reputation and create a stigma which would foreclose future pursuit of his teaching career.

Even without the requirements imposed by 118.22, sound personnel practices require that fair treatment be given all employees and that at least minimal due process procedures be accorded any employee whose termination is being contemplated. Also, any board contemplating the non-renewal or dismissal of an employee is strongly urged to take no action without the counsel and advice of its attorney.

When circumstances permit, dismissal is accomplished with least disruption by non-renewal of the teacher's contract. The state superintendent may revoke a teacher's certificate or license for incompetence or for immoral conduct. The teacher must be given written notice of the charges and an opportunity for defense must be provided. [118.19 (5)] If a teacher's license or certificate is revoked, his contract is automatically terminated. [118.21 (1)] While the statutes make no specific provisions for the dismissal of teachers, i.e., they do not specify the reasons for which teachers may be dismissed or the procedures which must be followed, the school board has the power to dismiss a teacher for any good and sufficient cause during the term of a contract provided that due process procedures are followed.

School boards should recognize a responsibility for identifying teachers who are having difficulty, informing them of their shortcomings and helping them overcome these faults. This is best accomplished by providing an adequate administrative and supervisory staff. If the teacher is unable to give satisfactory service in spite of all the efforts in his behalf, dismissal is the only alternative. Dismissal should be only for good reasons and substantiated by evidence.

The Noncertificated Staff

Custodians, bus drivers, cooks, secretaries and many others are needed in a smoothly functioning school system. The efforts of teachers can be seriously hampered by noncertificated workers who do not understand the work of the school. Noncertificated workers should be selected with just as much care as are teachers. They must realize that they have an important job to do. All members of the school staff must work together for the benefit of the children served by the school. There is no place on the school staff for the custodian who feels that a highly polished gym floor is more important than a good physical education program. Similar reasoning applies to all positions on the school staff.

Members of the noncertificated staff associate closely with pupils and should be chosen with this in mind. All employees must be able to work effectively with children and should possess the same moral qualities expected of teachers. Job descriptions and minimum qualifications are needed for these positions just as they are for positions on the instructional staff. Every noncertificated employee who comes in contact with school children or who handles or prepares food for school children is subject to the same physical examination requirements as are teachers. [118.25]

All members of the noncertificated staff should be employed by the board on the recommendation of the school administrator. They should be responsible to the school administrator for the proper performance of their duties. Non-certificated employees have the same right to organize and negotiate concerning their wages, hours and conditions of employment as do teachers. [111.70] In many school districts the members of the noncertificated staff are taking advantage of this right. It is essential that the school board develop and adopt policies covering noncertificated employees. Some policies in this area undoubtedly will be developed through negotiations while others may be developed cooperatively by the school board, the administration, and the employees concerned. Much of what has been written concerning the importance of obtaining and retaining competent teachers is equally applicable to the noncertificated employees of the district.

Points to Remember

- ★ The quality of a school system depends upon the quality of its staff.
- ★ School district employees have the right to organize and negotiate concerning their wages, hours and conditions of employment.
- ★ Individual school board members should never deal directly with school district employees.
- ★ Teacher contract requirements are spelled out in the statutes.
- ★ In-service education programs benefit pupils by improving teachers.

For further reading, see Appendix.

CHAPTER VII

THE SCHOOL BOARD AND THE EDUCATIONAL PROGRAM

The Legislature has established school districts for one purpose; to provide educational opportunities for children of the state. The strength of a school district must be measured in terms of the educational program it offers. School boards occasionally become so involved with bonds, budgets and buildings that they give little or no direct attention to the educational program. School board members should recognize that all efforts of the school board and school staff must be judged on the basis of what they contribute to the intellectual, social, physical and emotional development of pupils. School board members cannot afford to ignore the educational program.

Legislation in Wisconsin establishes the school board's responsibility in this respect. School boards are required to exercise general supervision over the school. [120.12 (2)] They also are empowered to make rules for the organization, gradation and government of the schools. [120.13 (1)] Thus, school boards are legally obligated to formulate policies governing the educational program.

Educational Policies

Plan of Organization

An educational program can be most effective when school districts are organized on a K-12 basis with one school board and one chief administrator. School districts organized on a K-12 basis find it much easier to coordinate the entire educational program from kindergarten through high school. Duplication of effort can be avoided and gaps in the program can be eliminated.

The policy which is to be followed in organizing and administering a district's educational program should be established by board action. Some districts operate elementary school for grades K-6, junior high or middle schools for grades 7-9 and senior high schools for grades 10-12; others follow an 8-4 pattern of organization. Other patterns or organization are also possible. Research evidence does not indicate an inherent superiority for any one type of organizational pattern. It is the competence of the professional staff and the nature of the educational program, rather than the type of organizational pattern, which determine the quality of the education provided for pupils.

The district's plan of organization should pinpoint each person's authority and responsibility. While the administrator and his staff should be expected to formulate an organizational plan and job descriptions, it is the board's responsibility to study the proposed plan of organization carefully before its adoption. The importance of the organizational plan should not be underestimated, since it provides the framework within which the educational program is administered.

Teaching Load

A professional staff adequate both in quality and in number is essential to a good instructional program. There are definite limits to the number of pupils a teacher can work with effectively. These limits are influenced by the nature of each activity and the characteristics of each teacher. Teaching load is not limited to class size alone but includes all aspects of the teacher's work. There are pupil activities to be supervised, committee work to be done and community activities to be planned and supported. School systems should strive for well-balanced teaching loads with an equitable distribution of responsibilities.

The ratio of pupils to teachers in a school has long been regarded as an important indicator of program quality. The appropriate pupil-teacher ratio in the elementary grades will depend upon such factors as the school's organizational pattern, the extent to which other instructional aides are used, the type of students, and the extent to which other supporting services are provided. It is generally recommended that in a self-contained elementary classroom where the teacher is responsible for all aspects of instruction except music, art and physical education, the enrollment should not exceed 25 pupils per teacher in grades K-3 or 30 pupils per teacher in grades 4-8. In high schools, the class size should not exceed 30 pupils per teacher except in situations where team teaching or other patterns for individualizing instruction are followed. Teacher loads should be well balanced, taking into consideration such factors as the number of classes, number of students, number of preparations, and extent of involvement in co-curricular activities.

School Calendar

The school board is responsible for adopting a school calendar which sets the length of the school year, the dates when schools open and close, vacation periods and the like. To qualify for state aids the school year must be at least 180 days in length. [121.17] Statutory regulations governing the computation of the school year are found in Section 115.01 (10). Many school districts have already adopted a 190 or 195 day school year to provide more time for teaching as well as more time for staff orientation and in-service activities.

There has been great interest in recent years in lengthening the school year through a summer school program. Legislation in 1961 authorized the payment of state aids to districts maintaining summer schools or summer classes. [118.04, 121.14] Summer school programs provide an opportunity for pupils to broaden their educational experience, to obtain specialized help in areas where they are weak and to make up courses they have failed. They also provide for increased utilization of school facilities.

Classification and Promotion of Pupils

Wisconsin school boards have been given authority to make rules for the "gradation" of the schools. Public schools are usually divided into 12 grades (excluding kindergarten). The first eight are the elementary grades; the last four are the high school grades. A junior high school includes grades 7-9 or 7-10. A senior high school includes grades 10-12. This classification is not to be regarded as a limitation of the character of work or studies that may be carried on in either elementary or secondary schools. [115.01 (2)]

The school board has full authority to establish the requirements for advancement from grade to grade. Such policies are essential in the orderly management of schools. Few board members, however, are qualified to make decisions of this nature without professional advice. Such policies should be adopted only after they have been recommended by the administrator.

Instructional Supplies and Equipment

School boards have been given broad authority to purchase and care for necessary supplies and equipment. [120.13 (5), 120.49 (5)] Policies should make provision for determining needs, for budgeting to meet these needs, for procedures in purchasing supplies and equipment and for making supplies and equipment available when needed. Such policies should recognize that teachers can best determine their own needs, that the administrator can evaluate these needs in rela-

tion to the total school program and that the school board must authorize them in the light of the finances available.

Pupil Conduct and Discipline

A local school board is empowered to make rules by which the schools are governed. The rules must be in written form and must be made known to pupils, parents and teachers. The school district administrator, or any principal or teacher designated by the administrator, may (with the consent of the board) make rules and suspend a pupil for not more than three days or, if a notice of expulsion has been sent, for not more than seven consecutive school days. A pupil may be suspended for failure to comply with school rules, or for conduct which endangers the property, health or safety of others. [120.13 (1)] A pupil must be given the reason for suspension and it must be determined that the pupil is guilty of the alleged violation before he is suspended. The parents or guardian of the pupil must be notified promptly of the suspension and the reason (s) for it. The pupil or his parents are entitled to have a conference with the school district administrator (or his designee) within five school days. If the administrator determines that the pupil was suspended unfairly, unjustly or inappropriately, reference to the suspension will be removed from the pupil's record. A pupil who is suspended must be given an opportunity to take any examinations missed while suspended. [120.13 (1) (b)]

A Wisconsin school board may expel a pupil from school if it determines that the pupil is guilty of repeated refusal or neglect to obey the rules, or that he engaged in conduct which endangered the property, health or safety of others. Before a pupil may be expelled the board must hold a hearing on the matter. The pupil and his parents must be given at least five days written notice in advance of the hearing. The notice must give the time and place of the hearing, specific information about the pupil's alleged misconduct, and notification that the hearing may result in the pupil's suspension. The pupil is entitled to be represented by counsel and written minutes of the hearing must be kept. If the board decides to expel the pupil, the district clerk must mail a copy of the order to the pupil and his parents. An expelled pupil may appeal to the state superintendent and an appeal from the state superintendent's decision may be taken to the district court. [120.13 (1) (c)]

Only in recent years have procedural requirements become an issue in cases where a student has been suspended or expelled from school. Until quite recently most courts viewed school attendance as a privilege, not a right, and expulsions generally were not subject to judicial review. Today, however, school attendance is considered a right that cannot be denied without good reason and unless proper procedures are followed. Most courts now require that a student be accorded due process of law in any disciplinary procedure that might result in the student's expulsion.

The first requirement in according a student procedural due process is that the student receive proper notice of the type of behavior which could result in expulsion. That is, the school must have warned the student of the type of conduct that will subject him to expulsion. This may be accomplished by providing each student with a Student Handbook.

Second, the student and his parents must receive a written statement specifying the charges against him and the nature of the evidence on which the charges are based. The statement should identify the specific rule or regulation that has been violated.

Third, and perhaps the most fundamental aspect of procedural due process, is the right to a fair hearing. The hearing generally is conducted either before the school board or before an impartial third party appointed by the board. Although the hearing need not adhere to the technical rules of a court of law, the basic principles of due process must be observed. These principles were spelled out as follows in a case involving the expulsion of a student from a college:

The nature of the hearing should vary depending upon the circumstances of the particular case A hearing which gives . . . administrative authorities . . . an opportunity to hear both sides in considerable detail is best suited to protect the rights of all involved The student should be given the names of witnesses against him and an oral or written report on the facts to which each witness testifies. He should also be given the opportunity to present . . . his own defense against the charges and to produce either oral testimony or written affidavits of witnesses in his behalf.¹

A fourth requisite of due process is ample time for the accused student to prepare for the hearing. Thus, the hearing should be scheduled to take place several days after the student has received official notification of the charges against him.

Fifth, a school must inform the student of his procedural rights before a hearing. This is perhaps best accomplished by including a complete disciplinary and procedural code in the Student Handbook and making sure that each student is provided with a copy of the Handbook.

Although the courts are not in complete agreement on the question, a student generally should be permitted to be represented by legal counsel, if he chooses. A student is entitled to call witnesses in his own behalf. There is some question over the student's right to confront and cross examine witnesses, but if the decision on whether or not the student should be expelled hinges on the credibility of testimony, cross examination would appear to be in order.

Throughout any expulsion proceeding the foremost concern of the board of education should be to see to it that the student receives a fair and impartial hearing and is given ample opportunity to present his defense.

Proper discipline is essential to the effective operation of the schools. Furthermore, self discipline is a goal of education. A functioning student council composed of conscientious pupils can be of great value to a school in developing responsible pupil conduct. School board policies might well recognize the contributions pupils themselves can make to the development of policies governing their own conduct.

Controversial Issues

The question of how schools will treat controversial issues cannot be ignored. Many established groups object to the presentation of certain points of view in the classroom. Failure to include current social and economic problems in the curriculum disregards the need to prepare boys and girls to take their place in our society. Controversial issues are not limited to curriculum matters. The board must often decide questions related to such matters as religious instruction, sex education, communism, labor and management, building needs and school sites.

¹ *Dixon vs. Alabama State Board of Education*, 294F. 2d 150, (Fifth Cir. 1961).

The school board, by adopting a clear-cut policy, can set the stage for dealing with controversy. School administrators and teachers need the guidance of clear-cut policy as well as the support of the board in dealing with controversial issues. Community groups should be helped to understand that pupils must learn to search for all the facts and to make up their own minds in the face of conflicting opinions.

Special Services

Good school systems usually offer a variety of services which either benefit particular groups of pupils or benefit all students in a special way. These services are vital to the American goal of providing equal educational opportunity to *all* children.

Exceptional Children

Each school district must provide appropriate special education programs for children with exceptional educational needs who reside in the school district [115.85 (1)]. Included in this group are children who are mentally, physically or emotionally handicapped, as well as pupils who are learning disabled or who have other handicaps. Legislation pertaining to the education of children with special educational needs is found in Chapter 115 of the statutes. The state maintains schools for children with defective sight or hearing. [115.52] Legislation also authorizes the establishment of special schools or classes for handicapped children on a county-wide basis. [115.86] The state superintendent is required to issue annually a state plan for the education of children with exceptional needs [115.78], and to consult with a state council on special education [115.79] The statutes set forth specific requirements and procedures for the identification and screening of children who have special educational needs, as well as providing for a multi-disciplinary team to develop an educational program fitted to each child's needs. [115.80] Parents are given the right to appeal to the school board if they do not agree with the board's decision with regard to the placement of their child and to a hearing on their appeal. [115.81] The school board is responsible for seeing that a child is placed in an appropriate special educational program after consultation with the multidisciplinary team and after the child's parent has consented in writing to the placement. [115.85 (2)]

Gifted pupils sometimes need special attention. Failure to capitalize on their special talents is a serious waste of human resources. School boards may want to give increased attention to this phase of the instructional program.

Student Health Services

The school health program protects and promotes the health and safety of pupils. School systems of every size should make every effort to provide, either alone or cooperatively, the facilities and funds needed for instruction in health and physical education. Provision must be made for emergency nursing services. [121.02 (1) (i)].

Rules of the State Department of Health and Social Services cover in some detail the school's responsibility regarding communicable diseases, epidemics, water supply, heating and ventilation. The statutes also contain provisions relating to communicable diseases and smallpox. [143.12;143.13]

State law requires that physiology, hygiene and related subjects be taught in either the sixth, seventh or eighth grade and that instruction in physiology and hygiene shall be offered in every high school. [118.01 (2)] Physical education

and training must be provided for all pupils [118.01 (3)], and every school must provide instruction concerning the prevention of accidents and the promotion of highway safety. [118.01 (4)] Districts must provide safe, healthful school facilities. [121.02] A school board may require pupils to undergo periodic medical and dental examinations and may employ qualified public health nurses and dentists. [120.13 (11)]

Guidance

A carefully planned, adequately staffed guidance program is essential in today's schools. Every teacher is responsible for the guidance of pupils, but teachers often need specialized help. Counselors with special training are needed to deal with many of the problems which trouble boys and girls. This is particularly true at the secondary school level where teachers do not get to know their pupils as well as in elementary schools. At least one full-time counselor should be available for every 250-300 students in junior and senior high schools.

In every school one person should have responsibility for giving leadership to the guidance program and coordinating the efforts of teachers. In larger systems a director of guidance should be included on the administrative staff. All counselors should have adequate professional preparation and hold a state license in guidance. Facilities and funds are needed to do the job properly, as are filing systems, forms tests, specialized equipment and competent clerical help. See 121.02 (1) (q).

Libraries

Every school needs a good library. Modern teaching methods require many books and materials. A well-stocked library also permits greater attention to individual differences among pupils and encourages more interest in reading.

Chapter 43 of the Wisconsin Statutes deals with libraries. The duties of the state superintendent are specified and the general duties of the Division for Library Services are described. The state superintendent is directed to promote the establishment, maintenance and control of school libraries and prescribe rules for their management. [43.03 (3)] The annual income from the common school fund is apportioned to school districts on the basis of the number of children between the ages of four and twenty years as reported in the school census. It must be used to purchase books and other instructional materials for school libraries. [43.70]

The rules of the Department of Public Instruction require school librarians to hold a license to teach and to have satisfactorily completed at least a minimum amount of study in library science. [121.02 (1)]

During the past decade school libraries increasingly have become instructional material centers. An instructional material center includes a wide variety of audio-visual materials in addition to the books, magazines and newspapers which most people associate with a library. Professional librarians qualified in both library science and audio-visual instruction are indispensable if a school district is to develop an effective program for utilizing media in its instructional program. The Department of Public Instruction has established standards for book and periodical collections as well as for the management and staffing of school libraries. An annual expenditure for library books of at least \$7 per student or \$1,000 per building, whichever is larger, is recommended. In addition, an annual expenditure of \$7 per student or \$1,000 per building, whichever is larger, is

recommended for purchase of audio-visual materials. To maintain a minimum supply of current magazines and newspapers in the library of an elementary school, an annual expenditure of at least \$200 is recommended, while minimum annual expenditures of \$500 and \$700 are recommended for a junior high school and a senior high school. In addition to the general book collection, current magazines and newspapers, and up-to-date audio-visual materials, each instructional material center should contain an adequate supply of encyclopedias, dictionaries and general reference books.

Recommendations alone cannot guarantee a good instructional material center. A qualified librarian and a qualified audio-visual specialist can be of great help to teachers and pupils if adequate time and material are made available to them by the school board.

Nursery Schools and Kindergartens

Wisconsin school boards may operate nursery schools for children under four years of age and may prescribe rules and regulations for these schools. The board may require a reasonable fee for attendance in nursery schools and may waive the fee for persons who are unable to make such payment. [120.13 (13)]

A board which has control of the elementary grades must operate a 5-year-old Kindergarten program. [121.02 (1) (e)].

For many years the establishment of nursery schools and kindergartens was considered to be exclusively a local decision. A number of school districts which at one time operated kindergartens for four-year-olds found it necessary to discontinue them because of budgetary pressures. In the past few years, however, early childhood education again has become popular. In particular, it has been seized upon as a way of mitigating the insidious educational effects of economic and cultural deprivation. In addition to the nursery schools operated by Head Start and other governmental programs, in many cities thriving nursery schools have been established by private organizations. It is likely that school boards will experience a growing demand for the provision of district-operated nursery schools and kindergartens in coming years.

Summer School

Any Wisconsin school board may elect either to operate its own summer school classes or to permit its pupils to attend on a tuition basis summer classes operated by another school district. [118.04] If a board elects to operate its own summer classes it must make rules governing attendance and these rules must appear on its minutes. [118.04 (1)] The board may treat children living in the school district during the summer as residents of the district, even if they did not reside in the district during the preceding regular school year (but such children may not be counted in computing state aid unless they are legal residents of the state). [118.04 (2)] Children from another school district may be permitted to attend summer classes by paying non-resident tuition, but no tuition may be charged pupils who are residents of the school district. [118.04 (3), (4)]

Curriculum

The curriculum consists of all the experiences which pupils encounter under the sponsorship of the school. It is more than the names of courses or the content of textbooks; it is the entire program of the school. The school board's authority in curriculum matters is limited by legislative requirements. It is also limited, in practice, by the requirements of public and private agencies which deal with

graduates of the public schools. College admission requirements and training requirements for positions in industry illustrate this latter type of limitation. Public expectations must also be considered by the board in determining the general nature of the school program. The translation of board policy into a functioning educational program is a job for the administrator and his staff. The board, with the help of the school administrator, should evaluate the effectiveness of the school program and revise policies accordingly.

Statutory Requirements

Section 118.01 of the statutes outlines the curriculum requirements which the law imposes on public schools in Wisconsin. Reading, writing, spelling, English grammar and composition, geography, arithmetic, elements of agriculture and conservation of natural resources, history and civil government of the United States and Wisconsin, citizenship and such other instruction as the board determines must be taught in every elementary school. [118.01 (1)] Special requirements for instruction in physiology, hygiene, physical education, prevention of accidents, morals, animal life, fire prevention, co-operatives, conservation, dairy products and citizenship have also been established. [118.01 (2)-(10)].

All school districts are required to make provision for instruction in health, physical education, art and music in both elementary and high schools. School districts which operate elementary schools are required to make provision for remedial reading services for under-achieving students in grades Kindergarten through grade 3. [121.02 (1) (d) (i)] School board members must be aware of these requirements and make sure that they are met.

College Entrance Requirements

The entrance requirements established by colleges and universities have an undeniable influence upon the curriculum of a secondary school. Since entrance requirements vary somewhat from one college to another, students who wish to attend a particular college must plan their program of study to meet its entrance requirements. School board members should see to it that a curriculum is provided which will make it possible for students who wish to continue their education beyond high school to meet the entrance requirements of the college or university of their choice.

Attendance

Legal Requirements

All children between the ages of six and sixteen years must attend school until the end of the term, quarter or semester in which they become *sixteen* years of age unless they are temporarily physically or mentally incapable of attending; are exempted for good cause by the district board, or are receiving other instruction which is approved by the state superintendent. Further, any child residing in a school district which contains within its boundaries a vocational, technical and adult school offering day school classes must either attend high school to the end of the school term, quarter or semester in which he becomes *eighteen* years of age or, with the approval of his parent and school board of his district, attend the vocational, technical and adult school in lieu of attending high school. A student who is 16 years of age or over may, if his parent or legal custodian and his school board so determine, attend a vocational, technical and adult school in lieu of attending a high school. Also, a school board may permit a pupil who is in good academic standing to attend school part-time during the last school term preceding high school graduation. [118.15]

Teachers are required to report all pupil absences to the district's truant officer. The district administrator serves as truant officer unless the school board appoints as truant officer some other professional employee of the district. In cities of the first class the school board is required to appoint welfare workers or attendance officers. Within 12 hours after receiving a report of absence or truancy, the truant officer must serve upon the parent or guardian of the absent child written notice that they must either send the child to school on the next day school is in session or present an excuse from the proper health or judicial authority. The truant officer is also expected to immediately notify the child's principal or teacher that the above notice has been served upon the parent or guardian of the absent child. If the child fails to return to school following the service of a second notice, the truant officer must, within three days, initiate legal action to enforce compliance with the compulsory law. [118.16]

No child may be admitted to the first grade unless he is six years old on or before December 1 of the year he proposes to enter school. Residents above twenty years of age may be admitted at the discretion of the board. [118.14]

Health Regulations

The compulsory attendance law does not apply in cases where pupils are excluded from school because they are suffering from, or have been exposed to, a communicable disease. The State Department of Health and Social Services may close schools when it is deemed necessary to control epidemics. Teachers, school authorities and health officers may exclude pupils from school for a number of reasons. They must notify the parents and the local health officer when such action is taken. Teachers are directed to send home students who are habitually dirty, offensive, or infected with lice, and are to send written notice to the school board, or superintendent of schools, and to the parents of the pupil explaining reasons for the action. All school board members should be familiar with the rules of the Department of Health and Social Services and the statutes which govern the circumstances under which students may be excluded from school for health reasons. [143.02; 143.03; 143.04; 143.12; 143.13] Compulsory attendance requirements apply to physically handicapped children who are eligible for attendance at a special class or school. [115.82]

Local School Board Policies

It is essential for boards to adopt policies relating to pupil attendance which will guide teachers and administrators in dealing with these problems as they arise. These policies should cover age of admission to school, expulsion procedures and enrollment and attendance regulations.

It seems inevitable that most school boards will be faced — at one time or another — with the problem of the married student. Statistics indicate that one out of four girls will be married by the time they reach the age of 18, and secondary schools are frequently confronted with problems stemming from early marriage and pregnancy, both marital and extra-marital. The need for constructive and intelligent policies is evident. In developing policies relative to married students school boards should bear in mind that marriage alone does not justify permanent expulsion from school. Certainly, there is no reason why married students who conduct themselves with dignity and with proper appreciation for their marital status should not be permitted to continue their education. As one court said:

Marriage is a domestic relation highly favored by the law. When the relation is entered into with correct motives, the effect on the husband

and wife is refining and elevating, rather than demoralizing. Pupils associating in school with a child occupying such a relation, it seems, would be benefited instead of harmed. And furthermore, it is commendable in married persons of school age to desire to further pursue their education, and thereby become better fitted for the duties of life.²

Pupil Activities

Since the curriculum consists of all pupil experiences under the control of the school, it is apparent that pupil activities are just as much a part of the school's program as are classroom activities. Many of these activities have resulted from the need to recognize and provide for the many needs and interests of children. They also spring from community interests. In any case, pupil activities serve to give the school program vitality and furnish excellent opportunities for additional teaching and learning.

The school board must recognize that in determining the general nature and scope of the school program it must consider pupil activities. School board policy should provide the framework in which these activities are carried on. Unless such policy exists, the program is apt to grow in an unorganized way. The objectives and philosophy of the school system should be reflected in these policies. School boards, in cooperation with the professional staff, should take a frequent look at pupil activities and make any changes in policies which are needed.

Transportation

The transportation of pupils is primarily a means of getting pupils to a place where they can participate in an educational program. It may be regarded as an overhead cost of education. The expenditures involved cannot be avoided by failing to provide transportation. They would either be passed on to parents or would have to be used in bringing schools to the children.

The rapid growth of pupil transportation services in the past 30 years has been influenced by several factors. In many states, including Wisconsin, pupil transportation is required by law. There has also been a realization that pupil transportation is necessary if all children are to be educated. Experience has shown that larger schools can offer a more varied educational program. Regardless of the reasons, it is apparent that nearly all school boards are faced with the responsibility of conducting a pupil transportation operation.

Legal Requirements

Wisconsin has for many years required any school district operating public elementary or secondary schools to provide transportation to and from school for all pupils residing in the district who are two miles or more from the nearest public school they may attend. [121.54 (2)] The Wisconsin Supreme Court consistently ruled that school districts were prohibited by the state's constitution from transporting pupils to private or parochial schools at public expense.³ In 1967, however, the constitution was amended to permit the use of public funds to transport pupils to nonpublic schools. The statutes now provide that "the school board of each district operating high school grades shall provide transportation to and from the school he attends for each pupil residing in the school district who attends any elementary grade, including kindergarten, or high school grade at a private school located two miles or more from his residence, if such

² *McLeod v. State* 154 Miss. 468, 122 So 737 (1929).

³ *State v. Milquet*, 188 Wis. 109, 192 N.W. 392, *Costigan v. Hall*, 23 N.W. (2d) 495.

private school is a school within whose attendance area the pupil resides and is situated within the school district or not more than five miles beyond the boundaries of the school district measured along the usually traveled route." [121.54 (2) (b)] Elementary school districts may elect to provide their own student transportation and not use, or pay for, transportation provided by their union high school district. However, if this option is adopted, it may not be repealed unless at least one year's notice is given to the board of that union high school district. Further, the electors at a district meeting in common and union high school districts, and the school board in a city or unified school district, may vote to provide pupils who reside in the school district transportation to and from the nearest public school they are entitled to attend, or the nearest available private school within or outside the district they may reasonably choose to attend. [121.54 (2) (c)] A city school district which does not provide transportation for public school pupils who live within the city is not required to provide transportation for children who attend private schools located outside the district. [121.54 (1)]

The distance from the pupil's home to school is measured from building to building along the usually traveled route. [115.01 (12)] The school board is responsible for making all necessary provisions for the transportation of pupils, including establishment, administration and scheduling of school bus routes. [121.56] Private schools are required to furnish all information and reports requested by public school officials. They must notify each school board no later than May 15 each year of the names, grade levels and locations of all pupils who are eligible to receive transportation and who are planning to attend the private school during the next school term, although a school board may extend the notification deadline. [121.54 (2) (b)] The authority to determine school bus routes includes authority to determine the times and places where pupils will be picked up. Door-to-door transportation of pupils is not required. Policies which require pupils to meet the school bus at a designated point will be upheld if they are reasonable and nondiscriminatory. The statutes also provide for transportation of handicapped children, transportation to summer classes, transportation to vocational schools, transportation to high schools outside the district, and transportation for extra-curricular activities. [121.54 (3)-(7)] Special provision also has been made for transportation of pupils who reside in areas having unusual hazards. [121.54 (9)]

State Aids

School districts which meet the requirements imposed in 121.54 are entitled to receive state aid of \$24 per year for each transported pupil whose residence is at least two miles and not more than five miles from the school attended; \$36 per year for each transported pupil whose residence is at least five miles and not more than eight miles from the school attended; \$48 per year for each transported pupil whose residence is at least eight and not more than twelve miles from the school attended; and \$54 per year for each transported pupil whose residence is more than 12 miles from the school attended. [121.58 (2) (a)] Under certain conditions the school board may receive state aids for the board and lodging of pupils. [121.57, 121.58 (3)] State aid also is paid for transportation of pupils to summer school classes. [121.58 (4)]

State aids for transportation are paid from a specific legislative appropriation. If the claims exceed the appropriation the state superintendent is authorized to prorate the available funds among the eligible districts. [121.58 (6)] Any costs of pupil transportation which are not covered by state aids must be born by the

district and cannot be charged to pupils, their parents or guardians. In order to receive state aids for transportation a district must submit such reports as the state superintendent may require to determine its eligibility for them. [121.58 (1)]

Methods of Compliance

School boards have been given several alternatives in meeting transportation requirements. [121.55 (1)] They may provide transportation by:

1. Contract with a common carrier or other parties.
2. Contract with a parent or guardian of pupils to be transported.
3. Contract with another school board, board of control of a cooperative educational service agency or with officials of a private school.
4. A joint contract between two or more school districts and a third party.
5. Purchase and operation of district-owned vehicles. (If a school district contracts for the transportation of pupils, the contract term can not exceed three years.) [121.55 (2)]

The question of district ownership versus contracting for transportation service is one which each school board must face. No hard and fast rule can be given. When a school district owns and operates a sufficient number of its own vehicles, the school board must recognize the added problems and responsibilities involved. It is unreasonable to expect an administrator to fit these duties into an already crowded schedule.

Liability and Insurance

Wisconsin school districts are liable for injuries resulting from the maintenance, operation, or use of any school bus which is owned and operated by the district. No motor vehicle can be used as a school bus unless a policy of bodily injury and property damage liability insurance, issued by an insurer authorized to transact business in the state, is maintained on the vehicle. Such a policy must provide bodily injury liability coverage of at least \$15,000 per person. Total coverage limits, based on vehicle capacity, are included in the law. Property damage liability coverage of at least \$5,000 is required. The coverage under such a policy of insurance is defined in the statutes. These requirements apply to contracted vehicles as well as those owned and operated by the district. [121.53]

In securing insurance on district-owned vehicles, school boards must meet the requirements imposed by statute. They should also give attention to the adequacy of the coverage and take advantage of any possible economies. In some cases minimum requirements will not provide adequate coverage for the district. Adequate coverage must be determined by each board after analyzing local needs.

If more than five vehicles are insured, the fleet liability plan offers discounts which increases as the size of the fleet increases. Hired vehicles can also be covered by the fleet liability plan. Fleets of five or more vehicles are eligible for bodily injury and property damage insurance on a deductible basis. If the district has more vehicles than operators, the coverage can be based on the number of operators. If collision insurance is carried, the use of a rather large deductible coverage will reduce premiums. School boards would do well to seek professional advice in planning their insurance programs in order to secure all possible economies while maintaining adequate coverage.

Standards

Rules governing the design, construction, inspection and operation of school buses are adopted and enforced by the State Department of Transportation. All

drivers must be properly licensed by the State Department of Transportation. School buses are also inspected by the department to insure that they meet the standards which have been established. Rules adopted by the State Department of Transportation must be made a part of any contract for transporting public school pupils. [121.52 (1)]

School boards may adopt additional rules for governing the conduct of drivers and pupils, and for the protection of pupils, so long as these rules do not conflict with state law. [121.52 (1) (b)]

School boards are responsible for strict compliance with the requirements imposed by statute. They must also recognize the necessity of formulating policies which will insure the welfare and safety of the pupils being transported. Policies regarding pupil conduct, pick-up and unloading points, maximum riding time, maximum walking distance to meet school buses and transportation of pupils engaged in pupil activities are needed. Unless such policies exist, the school board and administrator are adrift without rudder or compass when problems relating to pupil transportation arise.

School Lunch Program

The school lunch program is an integral part of the public school program. Well-planned and properly prepared school lunches can make an important contribution to the welfare of school children.

The state superintendent has been given authority to contract for the operation and maintenance of school lunch programs and provide for the distribution, transportation, storing, processing and insuring of food products provided by the Federal Government. [115.34] The Department of Public Instruction is directed to make supplemental payments to school districts for lunches served to economically disadvantaged children. [115.34 (2)] School districts may also provide an opportunity for elderly persons to participate in the school lunch program. [115.345] School boards may furnish lunches to pupils at district expense or they may charge pupils and employees for the cost of school lunches. [120.13 (10)]

It is the school board's responsibility to provide necessary facilities and personnel. The development and adoption of policies which will guide the administration of the lunch program are also essential.

Advisory Committees

School board members are elected to represent the interest of the public in the management of the public schools. In order to carry out this task it is essential that board members keep in touch with public opinion and at the same time present the school's needs to the public. Advisory committees of local citizens can contribute to this two-way flow of information. It is to the advantage of school boards to take the lead in organizing citizen committees. Too often when boards fail to involve citizens in important educational decisions independent committees which tend to oppose the board spring into existence. In fact, evidence indicates the major reason for establishing an independent citizen's committee is dissatisfaction with the school system and school officials. If possible, advisory committees should be organized at a time when schools are free from serious criticism. Their use should not be limited to emergencies. They may be organized to assist in developing educational policies and programs, seek solutions to specific problems confronting the schools, interpret educational needs

to the community and enlist broad public support for action programs to alleviate these needs, or to provide for an interchange of ideas and points of view between school officials and members of the community.

Organizing Advisory Committees

All advisory committees should be established by formal action of the school board. In reaching the decision to form an advisory committee the board must determine whether such a committee can make a unique contribution to the task at hand. Several courses of action may be followed in selecting members to serve on the committee. Members may be selected by the board, community interest groups may be invited to name one or more representatives, or the names of potential members may be solicited from the community at large with final selection made by a panel of leading citizens. Regardless of which procedure is followed, the committee should be broadly representative of the community. Individual committee members should have sufficient interest and time to attend meetings regularly, be able to contribute intelligently to the committee's deliberations, have an open mind and faith in the democratic process and be willing to carry their fair share of the load.

Working With Advisory Committees

Once convened and ready to begin work, members of the advisory committees should be reminded that they meet as representatives of the entire community; not as representatives of business, labor, religious sects, service clubs or other special interest groups. The purpose of the committee, the subject to be studied, the committee's authority and responsibility and the way in which publicity is to be handled should be clearly explained at the first meeting. It must be made clear to all committee members that only the school board can establish policy for the district and that the board reserves the right to accept or reject proposals or recommendations. By the same token, board members must recognize that no advisory committee can function enthusiastically and effectively unless the board operates in good faith in all its relations with the committee.

Whether advisory committees are temporary or permanent, they should always be assigned a specific task. When this task is completed the committee should be disbanded or, in the case of a permanent committee, another task should be assigned. If permanent advisory committees are established, membership should be limited and the committee membership should change regularly.

School boards and citizens have a right to expect that an advisory committee's study and recommendations will be based on careful research and investigation — not a pooling of biases, opinions and guesses. Teachers and members of the administrative staff should work with the committee in planning its work and gathering data, keep the board informed of developments and assist the committee in any way possible. An occasional joint meeting of the school board and the advisory committee will help maintain a close working relationship and help in ironing out any difficulties which may arise.

Many school boards have found that advisory committees can be very helpful in resolving controversy. They can bring the community's thinking to the attention of the board. They can also bring the needs of the schools to the attention of the public. In dealing with such problems as building needs, tax rates or new courses, public support of the board is imperative. When the school board and an advisory committee can reach agreement on these problems, members of the advisory committee are often influential in enlisting public support for the decisions.

School Board — PTA Relationships

The Parent-Teacher Association can be a potent force in developing and maintaining good public relations. With rare exceptions, parent-teacher associations and school boards share a mutual interest: that of developing the best possible educational program for the children of the district. When school boards recognize these mutual interests, both the PTA and the school board will benefit.

School boards can cooperate with the PTA on appropriate projects and encourage staff members to participate in PTA activities. Suitable facilities for meetings should be made available. PTA members must recognize that the school board is the governing body of the school district and has the responsibility for all aspects of the educational program. The board can invite and welcome PTA interests but cannot delegate its own authority in educational matters.

Accreditation

The North Central Association of Colleges and Secondary Schools is an accrediting association which was founded in 1895. Membership is voluntary; no school is forced to join. The aims of the association are development and maintenance of high standards of excellence for universities, colleges and secondary schools; continued improvement of the educational program and effectiveness of instruction on secondary and college levels through a scientific approach to the solution of educational problems; establishment of cooperative relationships between the secondary schools, colleges and universities within the territory of the association; and maintenance of effective working relationships with other educational organizations and accrediting agencies.

The standards for membership in the North Central Association are clear and explicit and school board members should be aware of them. The North Central Association provides an effective means of evaluating secondary school programs using the skills of disinterested professional educators in making this evaluation. Each secondary school is evaluated according to its own particular objectives within the format of the broad criteria for membership which the association has adopted.

School board members should be familiar with the program of the North Central Association and recognize the advantages of membership. School board members, through their policy-making function, can determine in large part whether a school meets the requirements for admission and continued membership. The work of the association is only partially accomplished when its aims and objectives are understood solely by professional educators.

Evaluation and Accountability

The importance of systematic evaluation of the effectiveness of a school district's educational program has been highlighted in recent years. These days one increasingly hears the demand that schools should be "accountable". That is, schools are expected to demonstrate that they are accomplishing the objectives for which they were established, and that they are doing so as efficiently as possible.

If school boards are to meet the current demand for accountability, they must be vitally concerned with the effectiveness of the school program. They must demand evidence that programs are producing the desired results, and that their administrators are using the resources made available to the schools as efficiently as possible. The need for a comprehensive program of evaluation emphasizes how

important it is that school districts have access to personnel trained in research, development and evaluation of educational programs. In larger districts the administrative staff should include one or more persons highly skilled in research, development and evaluation; smaller school districts may wish to obtain such help from their CESA, or from the State Department of Public Instruction. Careless or haphazard evaluation of the effectiveness of the school program is a luxury which school boards and school districts can no longer afford.

The first requisite for evaluation is clearly stated objectives, both for the district as a whole and for each component of the educational program. Second, there must be agreement upon the evidence which will be accepted to determine the extent to which objectives are being accomplished. Third, resources must be provided to gather, analyze and report the required data. Fourth, the results of the program evaluation should be made known to all interested parties and corrective steps taken in cases where the objectives are not being accomplished.

Evidence concerning the effectiveness of the school program should be gathered from a variety of sources. The school administrator, other members of the district's management team, and members of the teaching staff can assist in gathering and interpreting information. Several methods of obtaining the information needed for evaluation of the school program are available.

Appraisal by Outside Sources

From time to time it may be desirable for the school board to sponsor a survey by outside experts. This may be a comprehensive survey which investigates all features of the school system, it may be a survey made for accrediting purposes, or it may be a spot survey of a particular feature of the district's program.

Information From Staff and Pupils

Supervisors and teachers can be invited to discuss with the board the policies of their departments and the objectives of their subject matter fields. Representatives of the student council and other student organizations can be invited to discuss with the board the objectives, problems and needs of their organizations.

Information From Testing Programs

Useful information can be obtained from standardized tests, but these tests have limitations. Expert assistance is needed to interpret the results, since several factors need to be considered. A testing program is essential in any school but test results can be very deceptive when they are used indiscriminately.

Information From Citizens

Information on what former students are doing and what they think of the educational program of the local school system is often useful in evaluating the educational program. Occupational surveys and employer reactions based on observations of graduates can also be used.

Seek suggestions from doctors, lawyers, ministers, farmers and tradesmen. School boards should approve and encourage cooperation between school authorities and local business and professional men in making regular occupational surveys to determine local employment and training needs of professions, businesses, industries and agriculture in the vicinity.

After seeing that information is gathered from these various sources, ask the administrator and his staff to interpret the information. The school board must then draw its own conclusions about the effectiveness of the educational program.

Weak spots should be expected and action taken to eliminate them. It is only through comprehensive evaluation that the school board can keep the educational program in tune with the times.

Points to Remember

- ★ School boards must provide for the organization, gradation and management of the schools.
- ★ Clear and definite policies are needed in dealing with controversial issues.
- ★ Today's schools offer many special services.
- ★ The curriculum consists of everything pupils do under the direction of the school.
- ★ Requirements for pupil transportation are contained in state laws.
- ★ Citizens' advisory committees can be of great help to school boards.
- ★ The soundness of school board policies is revealed in the quality of the district's educational program.

For further reading, see Appendix.

CHAPTER VIII

THE SCHOOL BOARD AND SCHOOL FINANCE

Some of the most challenging and perplexing problems facing school boards are those associated with the financial support and management of the schools. Financial problems are closely related to those in all other areas of school management. Adoption of board policy on class size, revision of a salary schedule or planning for school plant expansion are examples of decisions in other areas which have important repercussions in financial planning and management. Decisions about school finance cannot be made in a vacuum. The board must weigh each proposal in terms of its contribution to the educational program of the district as well as in terms of available financial resources. The goal in every case is to achieve the most effective utilization of available resources. Every school board member must be acquainted with the legal provisions for school finance and with effective procedures in financial management if this goal is to be reached.

Budgets

A budget is a complete financial plan for a definite period of time, typically a school year. However, the importance of fiscal planning extending over a longer period of time is increasingly being recognized. A school budget must be based on a clearly defined educational plan designed to meet the needs of children in the district. It should include careful estimates of receipts and expenditures based on such a plan. When properly used, a budget is one of the most effective tools at the board's disposal for allocating financial resources to meet the needs of the schools in an effective and an efficient manner. In recognition of the importance of school district budgeting, the Wisconsin Association of School Boards has developed and published a guide, *The Budgeting Cycle*, which covers the subject in greater detail than is possible in this chapter.

State law requires that every fiscally independent school district, i.e., every school district having power to levy a general property tax, formulate a budget and hold a public hearing on it. This budget must list all existing indebtedness, anticipated revenues and proposed appropriations for the following year. It also must show actual revenues and expenditures for the preceding year, actual revenues and expenditures for at least the first six months of the current year, and estimated revenues and expenditures for the balance of the current year. A summary of the budget, notice of the place where the detailed budget may be examined, and notice of the time and place of the public hearing on the proposed budget must be published as specified in Chapter 985 of Wisconsin Statutes at least 15 days prior to the time of the public hearing on the budget. However, a school district which reproduces and makes general distribution within the district at least 15 days prior to the annual meeting of an annual report incorporating a budget summary is not required to publish notice of the budget hearing. The public hearing on the budget is held at the same time and place as the annual district meeting in common and union high school districts. Any resident or taxpayer of the district must be given an opportunity to be heard regarding the proposed budget. [65.90 (1)-(5)]

In school districts which are fiscally dependent, i.e., where the school board must submit the proposed budget to a city council or fiscal board for approval, misunderstandings occasionally arise. The law specifies that on or before the 4th Monday in July each year, the school board in a city (or joint city) school district must estimate the expenses of the public schools for the coming year and

the amount which must be raised by taxation and certify the estimate to the city clerk who then must submit the estimate to the common council or fiscal board at its next meeting. The common council or fiscal board must consider the estimates submitted by the school board and, by resolution on or before the 4th Monday in August, determine and levy the amount of tax to be raised for school purposes during the ensuing year. [120.49 (4); 120.51 (1), (2)] Thus, the city council or fiscal board legally *may* exercise control over the amount of school revenue to be raised by local taxation, and may decide to levy less than the amount requested by the school board. The city council or fiscal board *may not* specify the items or expenditure categories where reductions are to be made; it may alter only the total tax levy requested by the school board. Decisions as to whether or not specific expenditures are to be made remain the prerogative of the school board so long as it stays within the total amount authorized by the city council or fiscal board.

Since a unified school district is fiscally independent, but does not hold an annual meeting, a somewhat different budgetary procedure is followed in such districts. In unified school districts the school board determines the amount of money needed to operate the schools, holds a public hearing on the proposed budget, adopts the budget and certifies the necessary tax levy to the clerks of the municipalities involved. [65.90, 120.71 (2)]

The possibility of applying a planning, programming, budgeting, evaluating system (PPBES) to the process of educational budgeting has attracted much attention in recent years. In this approach to budgeting, the specific objectives to be accomplished by the school system are first identified and measurable objectives which can be employed to evaluate progress toward these objectives are stated. Various educational programs which might accomplish the specified objectives are then designed, estimates of the cost of each program are prepared, and a choice is made from among them. Budgeting and accounting both are tied to specific educational program categories rather than to such broad functional categories as administration, instruction and the like. Progress toward accomplishment of the identified program objectives is monitored closely and changes are made when necessary to insure that the objectives of the program are being accomplished. Program evaluation is of two types — formative and summative. Formative evaluation keeps track of the program on a daily or weekly basis to insure that it is operating as planned. Summative evaluation is used to determine whether or not the program has been successful.

PPBES can be particularly useful in meeting the growing demand for accountability. Also, when PPBES is used, budgetary needs are projected over a much longer period than the one-year time span which has been typical in educational budgeting. It is important to project budgetary needs over at least a five-year period in order to identify the program which is most likely to achieve the desired results in the most efficient way. When properly applied, PPBES requires school administrators and school board members to focus on the various educational programs or activities financed by the budget and to examine carefully several alternative methods for accomplishing the objectives of each program. It appears certain that there will be increasing use of the PPBES approach to managing a school district's fiscal resources.

Budget Preparation

A school budget should be based on an educational plan which lays out the work to be done, the policies to be followed and the programs to be emphasized.

The budget translates the district's educational plan into financial terms. Intelligent budget preparation is impossible unless the district has developed an educational plan which reflects its philosophy and objectives, both short-term and long-term.

The responsibility for budget preparation should be delegated to the superintendent who, in turn, will enlist the aid of the school staff in determining needs. Budget preparation is a continuous process. As soon as one budget is adopted, preparation of the next one starts. Adequate time and competent personnel are needed if the job is to be done properly.

Presentation and Adoption of the Budget

When the administrator has completed the integration of the educational, spending and financing programs of the district into a preliminary budget, he presents this tentative budget to the school board for discussion and approval. The board's evaluation of the budget can be made much more easily if a program budget giving a brief explanation and supporting each proposed expenditure in simple, meaningful terms has been prepared. This enables each board member to visualize what the money proposed for each category will buy and provides a convenient way to present facts and figures supporting the proposed expenditures.

Every school board member should approach the proposed budget with an open mind. True economy is obtained by the wise use of public funds, not by indiscriminate slashing of expenditures. When the board has reached an agreement on all items, it should adopt the proposed budget in final form for presentation at the required public hearing.

Every school board member is well aware of the public's interest in the school budget. The school budget will affect every taxpayer in a very sensitive spot, his pocketbook. More important, the school budget will directly affect the quality of the educational program available to the children of the district. Experience has shown that the recommended budget will be accepted more readily if it has been adequately publicized and explained. When citizens have had the opportunity to participate actively in the educational affairs of the district and have been kept informed of the financial needs of the schools, they are much more apt to accept the proposed budget than when secrecy prevails.

In common and union high school districts the annual district meeting has been given authority to vote a tax levy for school operations. [120.10 (8)] In addition to the tax levied for current operation, any tax necessary to discharge debts or liabilities of the school district must be levied. [120.10 (9)]

As noted previously, in city (or joint city) school districts the school board must submit its recommended budget to the city council or fiscal board by no later than the 4th Monday in July. The city council or fiscal board is empowered to determine the amount of tax which shall be levied for school purposes. [120.51 (1) (2)] While it may reduce the tax levy recommended by the school board, the city council or fiscal board has no power to specify the categories in which budget cuts must be made.

Budgets in unified school districts are adopted by the school board after a public hearing on the proposed budget has been held. [120.75]

Adoption of the budget by the district electors, city council, fiscal board or school board completes this phase of budgeting. However, if the elec-

tors at a district meeting fail to vote a tax sufficient to maintain the district schools during the ensuing year, or have voted a tax greater than needed, the school board may determine the sum necessary to maintain the operation of the schools and certify this to the municipal clerk by the last working day in October. [120.12 (3)]

Administration of the Budget

The official adoption of the budget changes it from a series of proposals to an action program. School boards should recognize that the administration of the budget is a job for the superintendent, not the board. Written policies defining the superintendent's authority in this regard are very important. He should be given a green light to proceed with routine expenditures. Major expenditures should be submitted to the board for approval. If the board has carefully examined the tentative budget before approving it, there seems to be little reason for approving routine expenditures. Insistence on approving each expenditure before it can be made wastes valuable meeting time and creates tension between the board and administrator. As long as the superintendent operates within the budget and uses business-like procedures, he should be given full authority to proceed with routine expenditures.

Board members should expect the administrator to keep them informed of the status of the budget, both as a whole and by categories, as the year progresses. A schedule of vouchers payable should be submitted to the board for formal approval each month before checks are issued. An up-to-date budget report showing the status of all revenue and expenditure accounts should be prepared and submitted to the board each month. The Department of Public Instruction has been authorized to prescribe a uniform financial accounting system for school districts. [115.28 (13)] School district accounting systems must be compatible with the uniform system prescribed by the Department of Public Instruction [120.14 (2)] and the district's estimated budget must be based on that system. [121.05 (1) (c)] The accounting system should provide for encumbering accounts when purchase orders are written so that the monthly budget report will provide an accurate picture of the district's financial status. By carefully spelling out the policies and procedures to be followed in administering the budget, the board can avoid dealing with petty problems while retaining effective control over the administration of the budget.

Since the school district's budget should have been prepared with a well-defined educational plan in mind, wholesale revision of the budget can only disrupt the accomplishment of the district's educational objectives. While a certain amount of leeway to meet unforeseen developments is essential in any financial plan, once the budget has been adopted revision of budget categories should be the exception rather than the rule. The adopted budget should be adhered to as closely as possible and should only be revised when emergencies arise. Alterations in the amounts and purposes of the appropriations stated in the budget may be made only when authorized by a vote of two-thirds of the entire membership of the school board and the change is published as a class one notice under Ch. 985 within 10 days after the alteration is made. [65.90 (5)]

Appraisal of the Budget

School boards have an inescapable responsibility to evaluate the effectiveness of the budget. No school budget, no matter how carefully prepared and administered, can be regarded as satisfactory unless it does the educational job. Again, a cooperative approach is essential. The board and administrator should con-

tinuously evaluate the effectiveness of the educational program and take the necessary steps to correct weak spots. Both budget preparation and budget appraisal must be continuous processes if their maximum value is to be realized.

Audits — An audit is an essential part of financial appraisal. In common, union high school and unified school districts the school board is required to have an audit of the school district's accounts made at the close of each fiscal year. The board may either employ a licensed accountant to perform the audit or it may request the Wisconsin Department of Revenue to audit the school district's accounts, install a system of accounts, or advise and make recommendations concerning the existing system of accounts. The cost of the audit is paid from school district funds. [120.14 (1) (2)] In common and union high school districts the voters at the annual meeting may authorize and direct that an audit of the school district's accounts be made either by a licensed public accountant or by the Department of Administration. [120.14 (3)] In fiscally dependent school districts school district funds are disbursed by the city and school accounts are audited with other city accounts.

The importance of a comprehensive audit by a competent auditor cannot be over-emphasized. An audit not only discloses dishonesty and illegal expenditures, but more important, it provides the basis for improvement of the accounting system and insures that good business management practices will be followed.

Sources of Revenue

One major problem school boards face is getting enough money to support the schools. The problem is complicated by a much greater demand for education, the dwindled value of the dollar and competition with other public agencies for tax revenue.

Present methods of financing public elementary and secondary schools have drawn increasing criticism in recent years. It is now generally recognized that in most states the existing provisions for financing public elementary and secondary schools do not result in equality of educational opportunity for children within the state. Public attention was called forcefully to this situation by the decision of the California Supreme Court in the *Serrano* case in August, 1971. The Court held that California's school finance system violated the Fourteenth Amendment of the U. S. Constitution, as well as certain provisions of the California Constitution. The California court was of the opinion that the amount of revenue available for a child's education should not be a function of the wealth of the district in which the child resides; it should be a function of the wealth of the state as a whole. Similar rulings have been handed down by courts in Minnesota, Texas, New Jersey, Wyoming, Arizona and Kansas.

The Texas case, *Rodriguez v. San Antonio Independent School District*, was appealed to the United States Supreme Court. The Supreme Court ruled in a 5-4 decision that the Texas state school support program did not violate the due process and equal protection provisions of the Fourteenth Amendment even though expenditures per pupil in Texas school districts varied quite widely. The Court recognized that the Texas school aid program was far from perfect and suggested that the task of developing a more equitable program should be addressed by the Texas legislature through the political decision-making process. Thus, the Supreme Court's decision in the *Rodriguez* case leaves school finance reform in the hands of each state.

It is important for school board members to recognize that Article I, Section 3 of the Wisconsin Constitution states: "The Legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable"

The Governor of Wisconsin appointed a Task Force on Educational Financing and Property Tax Reform which met throughout 1972 and prepared a series of proposals for reform of Wisconsin's state school support program. Most of the Task Force's proposals were accepted by the Governor, were incorporated into the budget he proposed to the Legislature in 1973 and, after extensive debate, were adopted by the Legislature. The major change was the adoption of a "power equalizing" program, i.e., a program in which each district's state aid depends upon its local school tax levy and its equalized valuation per pupil. In general, the lower a district's equalized valuation and the higher its school tax rate, the greater the state aid it receives.

The most controversial aspect of the new state aid program was the "negative aid" provision under which districts with very high valuations per pupil were required to pay into the state treasury funds obtained from their local school tax. The negative aid provision was ruled unconstitutional by the Wisconsin Supreme Court in November, 1976, and thus is no longer in effect.

Local Sources

In Wisconsin the general property tax is the only important source of school funds at the local level. As was previously noted, the electors at the annual district meeting have been given authority to vote taxes for school purposes, subject to certain limitations. [120.10 (6)-(11)] These taxes are levied on taxable property located within the boundaries of the district. Over 50 percent of the revenue available to local schools comes from general property taxes levied by school districts, with small amounts coming from other local sources (gifts, revenue from school activities, sale of obsolete equipment, etc.). Provision is made for payments in lieu of taxes to school districts in which county or state institutions, hospitals, airports and veterans housing are located. [59.67 (13)]

State Sources

The purpose of Wisconsin's state aid program for public schools is best explained by quoting directly from the statute:

It is declared to be the policy of this state that education is a state function and that some relief should be afforded from the local general property tax as a source of public school revenue where such tax is excessive, and that other sources of revenue should contribute a larger percentage of the total funds needed. It is further declared that in order to provide reasonable equality of educational opportunity for all the children of this state, the state must guarantee that a basic educational opportunity be available to each pupil, but that the state should be obligated to contribute to the educational program only if the school district provides a program which meets state standards. It is the purpose of the state aid formula . . . to cause the state to assume a greater proportion of the costs of public education and to relieve the general property of some of its tax burden. [121.01]

Funds provided by the state comprise about 40 percent of the revenue available for public school operations. Most of this money is provided by appropriations from the state's general fund, although some income from the common

school fund and from "earmarked" taxes also is available. The bulk of the revenue for state aids and property tax relief is provided by state taxes on income and sales. Other sources of state revenue are taxes on motor vehicles, utilities and inheritances and occupational taxes and licenses.

The income from the common school fund consists of interest derived from the principal of the common school fund, as well as certain fees and fines. [Wisconsin Constitution, Article X, Section 2; 25.21, 25.22, 25.23] Income from the common school fund is distributed annually to school districts and must be used to purchase library books. [43.70] This money is distributed on the basis of the total number of children between the ages of 4 and 20 years residing in the school district.

The Wisconsin state aid program establishes a primary and a secondary guaranteed valuation per pupil for each school district. The guaranteed valuation per pupil is adjusted regularly, generally annually. For the 1975-76 and 1976-77 school years the primary guaranteed valuation per pupil for K-12 districts was \$90,200 and \$102,700, respectively. The secondary guaranteed valuation per pupil is determined by dividing the equalized valuation of the state by the number of pupils enrolled in the state. [121.07 (7) (8) (9)]

By October 1 each year the school district clerk must file with the Department of Public Instruction a report stating the number of pupils enrolled on the third Friday of September; the number of teachers employed by the district on the third Friday in September and the estimated budget for the current school year. [121.05] The full value of the taxable property in each school district must be certified to the state superintendent by the Department of Revenue by October 1 each year. [121.06] These figures provide the basic data for computation of the state aid each district will receive.

The state shares in the cost of operating the public schools. "Shared cost" is defined as the cost of operation, minus the operational receipts, plus the principal and interest payments on long-term indebtedness and annual capital outlay not exceeding \$100 per pupil, for the current school year. The state has imposed "cost controls" on local districts in recent years in an attempt to stabilize property tax rates. In computing the state aid to which a district is entitled, that portion of its shared cost per pupil which exceeds a stated percentage (10 percent for 1975-76) of the average pupil shared cost in the state for the previous school year not eligible for primary aid. [121.07 (6), 121.91, 121.92] Primary aid, which is based on the primary guaranteed valuation, is computed on that part of a district's shared cost which does not exceed the specified percentage of the statewide average shared cost for all school districts. Secondary aid, which is based on the secondary guaranteed valuation, is computed on the portion of the district's shared cost which exceeds the specified permissible percentage of the average statewide shared cost. Provision is made for a referendum to secure approval of a higher level of expenditure when the budget recommended by the school board or district annual meeting exceeds the allowable shared cost budget. [121.93]

The Department of Public Instruction's Division of Financial Aid Services prepares forms which may be used in computing the state aid to which a district is entitled. The forms are revised regularly to incorporate any changes made by the Legislature. *The Budgeting Cycle*, published by the Wisconsin Association of School Boards, provides more detailed information concerning the computation of state aid.

To qualify for state aids, a school district must place at least a minimum levy upon the equalized valuation of property in the district. School districts operating only grades K or 1-8 and union high school districts must levy at least 3 mills, while an integrated aid district operating grades K or 1-12 must levy at least 5 mills. [121.02 (1) (m)] The state superintendent is empowered to withhold state aid from any school district which does not operate in such manner as to gain his approval. Also, no state aid may be paid to a district which fails to meet certain statutory requirements. [121.17]

State aids are also paid for a variety of specific activities. These aids are appropriated from the general fund under provisions of the Wisconsin Statutes. (Transportation aids were discussed in Chapter VII.) The state pays tuition for children residing in children's homes and foster homes and for children of parents employed at or residing on the grounds of state or federal military camps, federal veterans hospitals, or state charitable or penal institutions. [121.79] State aid is paid to help defray the cost of educating children with exceptional needs [115.88]; for the support of summer school classes [121.14]; and for the support of driver education programs [121.15].

Several classes of property otherwise exempt from property taxes are specifically made subject to special school taxes by statutes. Agricultural land owned or held by the University of Wisconsin [70.116]; certain agricultural land owned by the state [70.117]; real estate owned by a county where the county receives income from persons occupying such premises who have a child or children entitled to attend public school in the district in which the property is located [70.175]; and land owned by the state or a municipality which is residential property and is used by or held for a public educational institution [70.114] is subject to school taxes. Provision has been made for payments in lieu of taxes on property in state-owned public hunting grounds, game reserves or refuges [70.113] and in the fees paid for mobile home parking permits. [66.058 (8)] School board members should refer to the appropriate statute for further information.

Federal Sources

The federal government provides about 7 percent of the revenue available to Wisconsin school districts. Federal aid for education generally has been designed to stimulate specific educational activities rather than for general support of educational programs. Thus, funds available under the Smith-Hughes, George-Dean and George Barden Acts have stimulated vocational education and funds provided by the School Lunch Act have stimulated local school lunch programs. Federal funds also have been made available to assist schools in areas where activities of the federal government have created particular problems for local districts, e.g., areas adjacent to military installations.

The National Defense Education Act of 1958 (NDEA) provided grants to the states for strengthening science, mathematics and modern foreign language instruction; for guidance, testing and counseling to identify and encourage able students; and for improvement of the statistical services of state education agencies. Many Wisconsin school districts took advantage of NDEA funds to improve their physical facilities and curricular offerings.

The Elementary and Secondary Education Act of 1965 (ESEA) represented what many termed a "breakthrough" in federal aid for education. First, it made available a significant amount of money for the support of local school district programs and second, it represented recognition by Congress that education is

an extremely important tool in any program which attempts to reduce and eventually eliminate economic and cultural deprivation. Titles I, II, and III of the Act were of particular importance to local school districts. Title I made available money to support programs designed specifically to meet the needs of economically disadvantaged pupils. The amount of money to which a district is entitled depends upon the number of pupils in the district who come from economically disadvantaged homes. The money is released to local districts for support of *approved* programs designed specifically to meet the particular educational needs of such pupils. Title II of the Act made available funds to provide a richer array of instructional materials for both public and non-public school pupils. Title III of the Act provided funds to develop, test, and disseminate information concerning exemplary educational programs. Title I and Title II programs have from their outset been administered by the Department of Public Instruction within the guidelines established by the U.S. Office of Education. Administration of Title III programs was transferred from the U.S. Office of Education to state departments of education several years ago.

The Education for All Handicapped Children Act (P. L. 94-142) enacted by Congress in 1975 holds promise of providing substantial funds to local school districts. The money appropriated under this act is to be used to extend services to handicapped children not currently being served and to handicapped children not currently being served adequately. At least 75 percent of the money provided by the act is to flow through the state to local school districts and intermediate agencies that are providing educational services to handicapped children.

Handling School Indebtedness

Most school board members are well aware that current revenues often fall short of meeting day-to-day needs. When this happens borrowing is a necessity. It is often necessary to borrow money for short periods of time to meet expenses until tax money is available. It is sometimes necessary to borrow for long terms to meet construction expenses when building projects are under way. In either case, board members need to be familiar with legal restrictions and good business practices.

Limitations on Indebtedness

School districts have no inherent power to issue bonds or go into debt. What power they do have is conferred by the state. School districts can only borrow for the purposes defined in state statutes and must conform to all directions and limitations imposed by the Constitution and statutes.

Common school districts, union high school districts and unified school districts are authorized to issue bonds to purchase, erect or improve school buildings, acquire sites, equip school buildings, refund indebtedness and for other purposes. [67.04 (6)] Cities may also issue bonds for school purposes. [67.04 (2) (b)] Any school district which operates grades 1-12, and which at the time of incurring indebtedness is eligible to receive state aid, may incur a total indebtedness not exceeding 10 percent of the state equalized valuation of the taxable property in the district. City school districts may incur indebtedness for *school purposes only* of an amount not in excess of 10 percent of the state equalized valuation of the taxable property in the city or joint city school district. (A city also may incur indebtedness of not more than 5 percent of its equalized valuation for other city purposes.) In all other school districts the total indebtedness of the district cannot exceed 5 percent of the state equalized valuation of all taxable property in the district. [Wisconsin Constitution, Article XI, Section 3; 67.03 (1)]

Obtaining the Needed Funds

Short Term Loans — A school district may borrow money to meet immediate school expenses. Such loans cannot extend beyond September 1 of the following year nor exceed one-half the estimated receipts for operation and maintenance during the current school year. [67.12 (8)] State aids, tuition revenues or taxes levied may be pledged as collateral for these loans. Short term loans secured by the assignment of state aids, tuition revenues or taxes levied are to be construed as a paid debt in computing the district's outstanding debt. [67.12 (8a)]

Borrowing on Promissory Notes — School districts are authorized to borrow money on promissory notes for as long as ten years. Money obtained in this way may be used to acquire school sites, make permanent improvements, enlarge existing sites and buildings or purchase equipment. Before such a loan is made, the school board must adopt and record a resolution specifying the purpose and amount of the loan, the installments and the rate of interest. The resolution must also levy a direct, annual, irrevocable tax sufficient to pay each installment and interest as it becomes due. The resolution must be adopted by a two-thirds vote of the board. [67.12 (12)] School districts created through the abandonment of a city district may issue promissory notes to refund indebtedness assumed by the creation of the new district. If the promissory note exceeds \$5,000, notice of passage by the board of a resolution to borrow in this manner must be posted or be published within 10 days. A referendum on the board's resolution must be held if requested by petition of 500 electors or 20 per cent of the electorate within 15 days after the notice is posted or published. The board has authority to proceed with the loan if (a) no referendum is requested or (b) if the referendum carries. [67.12 (12) (d) (e)]

Borrowing Through Bond Issues — The great bulk of school borrowing for long term needs is done through the use of bond issues. The procedures which must be followed in school bond issues are clearly defined in the statutes and must be followed rigidly. The question of whether to finance by promissory notes or by bonds is one that each board must answer for itself after studying the local situation.

Approval of Bond Issues

With the exception of bonds issued to purchase the school property of a city because of abandonment of a city school plan or common school district, or creation of a unified school district [67.04 (7)], all school bond issues must be approved by a majority of the qualified electors who participate in an election held for that purpose in common, unified and union high school districts. The procedure which must be used in securing approval of bond issues is found in Section 67.05. The initial resolution to issue bonds may come from the school board or from the electors of the district. When such a resolution has been adopted, the clerk of the district must call a special meeting of the district at which time the resolution is presented to the electors of the district for approval or rejection. [67.05 (6)] In a school district which includes all or part of a village or third or fourth class city within its boundaries the procedure defined in 67.05 (6a) or (6b) must be followed. City district bond issues are subject to the approval of the city council or to referendum. [67.05 (7) (b)]

School boards should employ the assistance of legal counsel during the entire period of bond approval and issuance. Failure to follow the required legal procedure may be sufficient cause to invalidate the referendum as well as any bonds that may be issued.

It also is advisable for school boards to secure the assistance of a well-qualified consultant specializing in municipal bonds. Such a person can give invaluable advice concerning the information which should be provided, firms which rate the quality of municipal bonds, the information which should be included in a prospectus distributed to prospective bond buyers, and the timing of the bond issue. The fees charged by such a consultant frequently are repaid manyfold by the lower interest rates the district is able to secure on its bond issue.

It is important that adequate publicity explaining the needs of the schools and relating these needs to the proposed bond issue is published before a school bond referendum is held. It will be much easier to obtain public approval of a bond issue if members of the community are actively involved in school affairs. Citizens' advisory committees can be of real help in analyzing school needs, making recommendations to the school board and explaining the proposed program to the electors of the district.

Planning and Selling Bond Issues

Board members must realize that school bonds are a saleable commodity. They must satisfy the needs of prospective purchasers if the district is to obtain the lowest possible interest rates and maximum economic returns.

The maintenance of a good credit rating by prompt payment of bills, prompt replies to inquiries from investors' services and efficient management of day-to-day business operations will help create a favorable climate for bond issues.

Attention should also be given to investors' wishes when planning a bond issue. Bonds should be printed on high grade paper by an experienced bank note printing company. Most investors prefer bonds of \$1,000 or \$5,000 denomination.

Many investors are more interested in bonds when the principal and interest are payable in a large financial center. A prospectus describing local conditions and details of the bond issue will be greatly appreciated by prospective buyers. The advice of a recognized bond counselor or competent attorney to insure that all legal requirements have been satisfied is essential.

Timing the bond issue so that it appears at a time when the market is not glutted with other securities is also an important factor in successful bond sales. Adequate time should be allowed for prospective buyers to study the issue and clarify any questions they may have. The sale should be advertised in leading financial journals such as the *Daily Bond Buyer* and in the official state newspaper. Attention to these details will often save thousands of dollars in interest charges when a large bond issue is placed on the market.

Awarding, Issuing, and Retiring Bond Issues

Bids should be opened at the exact time specified and no late bids should be accepted. The district's bond counselor should be present to see that all legal technicalities have been taken care of properly. He can also provide expert advice in determining the low bidder and awarding the issue accordingly.

The form and content of school district bonds are specified by statute and must be strictly complied with. [67.06] Provision is also made for registering bonds. [67.09] Either term bonds or serial bonds may be issued. In either case, all bonds must be paid within twenty years from the date of issue. [67.07]

Experience has shown that serial bonds are much better suited to the needs of school districts than are term bonds. When serial bonds are used, annual payments of approximately equal amounts are used to pay the interest and reduce the outstanding debt. Term bonds, on the other hand, are all paid at the same time. This means the district must establish a reserve and accumulate funds so that money is available to repay the loan at the end of the period. Not only must interest be paid on the entire loan over the full period of the loan, but the board is faced with the problem of managing the reserve fund during this entire period of time. Serial bonds eliminate the need for a reserve, save on interest charges and make budgeting a much easier job.

It is often a good practice to issue callable bonds. This is particularly true during times when interest rates are high. Bonds which are callable and bear high interest rates may be refunded at some future date at a lower rate of interest. Although callable bonds may require slightly higher interest rates, the feature is well worth considering. Permission for Wisconsin school districts to issue callable bonds has been granted by statute. [67.06]

After bonds have been issued, a special levy for debt service is authorized to the extent necessary to meet the district's obligation. Tax limitations for school operation do not apply to the tax levy necessary for paying principal and interest on bonds and notes. [67.035] School district clerks are required to certify the amount of tax required for the annual repayment of any loan to the proper town or municipal clerk before the last working day in October of each year. [120.17 (8)] Municipal clerks determine the proper debt service levies and make the tax collections.

State Trust Fund Loans

Wisconsin school districts may borrow from the State Trust Fund and, insofar as practicable, they are given preference over other applicants. Loans from the State Trust Fund may be used for operating and maintaining schools; erecting and remodeling schools; purchasing sites, transportation vehicles, bus garages, school equipment or school playgrounds; and refunding school district indebtedness. [25.01 (3), (4), (6)] The debt limitations and time limits previously discussed apply to these loans. All loans must draw interest of *at least* 2 per cent annually. Installments may be repaid in advance of the due date. [25.02 (2), (3), (4).] The procedure to be used in applying for these loans is found in 25.05. The loans may be used only for the purpose specified in the application. [25.10] The tax levy necessary to repay the principal and interest due on State Trust Fund loans is added to the school district's regular tax levy, collected in the same manner as the school district tax, and must be remitted to the State Treasurer by March 30. [25.09] School boards should investigate the possibility of obtaining a loan from the State Trust Fund when long-term borrowing becomes necessary.

School Building Corporations

School boards may enter into agreements with nonprofit building corporations when authorized to do so by the electors at an annual district meeting. These agreements must be for the purpose of providing buildings and equipment for elementary or secondary schools. A building corporation may be organized by a school board. School buildings constructed by the corporation are leased by the school board for the use of the district. The school building corporation is used principally as a device for obtaining needed school buildings and equipment without incurring indebtedness. In practice, school building corporations provide

a means of circumventing the debt limitations imposed on school districts, since any debts incurred by the building corporation are not considered in computing the outstanding indebtedness of the district. The legal provisions for school building corporations are found in Section 120.19 of the statutes.

Sinking Funds

Electors at the annual meeting of common or union high school districts, or the school board of a unified school district, may vote a tax to create a sinking fund to be used in financing all current and future capital expenditures. Money raised for this purpose must be deposited in a separate fund. It cannot be used for any other purpose, or transferred to any other fund, unless authorized by a two-thirds majority vote of the total number of the residents of the district who are eligible to vote at a school district meeting. [120.10 (10)]

City school districts are authorized to create sinking funds to finance the construction of school buildings. The city treasurer must deposit this money in a separate fund. It cannot be used for any other purpose unless authorized by a three-fourths majority vote of the members of the school board and approved by the city council. [120.56]

The problems involved in administering and investing sinking funds have tended to discourage their use and the use of serial bonds has eliminated the need for sinking funds in connection with bond issues. However, sinking funds together with current operating levies do provide a method of pay-as-you-go financing and a means of eliminating the interest payments which bond issues always entail. The advantages and limitations of sinking funds in specific situations should be studied carefully by school boards to determine the role they might play in a district's financial program.

Depositories for School Funds

School boards are required to designate the bank or banks where money belonging to the district is to be deposited. [120.12 (7)] The district treasurer must deposit district funds in the designated depository as soon as they are received. He is not liable for the loss of money after it is so deposited. Failure of the treasurer to deposit school funds as directed is sufficient grounds for his removal from office. [120.16 (5)] The school board may, by resolution, authorize the use of facsimile signatures on district checks. A certified copy of the resolution must be filed with the district clerk and with the public depositories involved. [120.16 (2)]

Meeting Insurance Needs

School board members have a legal and moral responsibility to safeguard the community's investment in school property, protect the health and safety of school children and employees and provide for the replacement of school property when losses do occur. Boards can take a big step toward meeting these responsibilities by developing a good insurance program for the district. Rapidly increasing investments in school plant and equipment, statutes imposing liability on school districts and laws permitting district funds to be spent for certain kinds of insurance have been important factors in the increasing importance of the school insurance program. In developing a school insurance program three important criteria must be kept in mind. A good insurance program should provide adequate coverage for all the risks which need to be covered by insurance. It should take advantage of all possible economies in providing this coverage. Finally, it should conform with legal requirements in all aspects.

School districts are faced with the possibility of loss or damage in two major areas: loss or damage to property and injury to persons. Although school board members are not expected to be experts in all phases of insurance, they should be familiar with the statutory provisions for insurance and with effective procedures for developing school insurance programs.

Statutory Provisions

Some of the Wisconsin laws dealing with school insurance are mandatory. That is, they require that certain types of protection be carried. Others are permissive and give school boards authority to engage in certain types of insurance activity. These provisions can best be summarized by listing the statutes dealing with school insurance.

1. School boards are required to keep school buildings and equipment amply insured. If funds are not available to pay premiums, the board may borrow money on a note to pay them. [120.12 (6)]
2. School boards may purchase accident insurance covering pupils in the district. Premiums on this insurance cannot be paid from school funds unless authorized by the annual district meeting or by the common council. [120.13 (2), 120.49 (6)]
3. Insurance is required on motor vehicles used to transport students. [121.53] (These requirements are discussed in Chapter VII.)
4. School districts are permitted to purchase liability insurance for the protection of the district and its employees. [66.18]
5. Authority has been granted for school districts to purchase health and accident insurance and life insurance for employees of the district. [66.185]
6. The "Safe Place Statute" imposes liability on school districts for injuries to employees of the district and those who use school district facilities. [101.11]
7. The "Worker's Compensation Act," Chapter 102 of the Wisconsin Statutes, imposes liability on school districts.
8. Tort actions may be brought against school districts and their officers, agents and employees. [895.43]

Examination of these provisions reveals that a comprehensive school insurance program may involve almost every type of insurance coverage which is written.

The Board's Role in the Insurance Program

The greatest contribution the school board can make toward meeting the district's insurance needs is to formulate and adopt policy dealing with the problem. The advice of the administrator and his staff and that of insurance experts should be utilized in formulating this policy.

Fix the Responsibility — The administrator or some member of his staff should be assigned the responsibility for handling the insurance affairs of the district. This procedure will enable the district to plan its insurance program intelligently. Insurance coverage can be coordinated so that all risks are covered as economically as possible when a single individual is responsible for the program.

Provide the Machinery — The person responsible for the insurance program must have sufficient time and equipment to do the job properly. Complete and

accurate records are essential. Provision should be made for expert advice on insurance problems. The average administrator has neither the time nor the training to deal with every insurance question and will need to turn to insurance experts for advice and assistance.

Adopt the Program — Board policy provides the framework within which the insurance program is developed. The board must determine, for example, whether liability insurance for employees will be purchased; whether fire losses are to be insured on a deductible basis; or whether some risks will be self-insured, and if so, whether a reserve fund for losses will be needed. Without the guidance of policy the board will have no basis for evaluating any proposals which are made. No insurance proposal can become effective until it has been adopted by the board.

Place the Insurance — School boards can avoid misunderstandings and ill will among insurance agents by establishing an equitable plan for distributing school insurance. Charges of favoritism are hard to avoid unless such a plan exists. A local agent's association may be invited to work with the board in developing a distribution plan or the board may establish its own eligibility requirements. Plans will vary for individual districts. The important thing is to treat all agents fairly and impartially.

Evaluate the Insurance Program — The insurance program of the district should be evaluated regularly by the school board and changes made when necessary. The administrator and members of his staff should make suggestions and recommendations for revision and improvement. Changing economic conditions, new insurance coverages which become available and changes in the district's insurance needs require constant alertness to keep the district's insurance coverage in step with its needs.

Insurance Economies

There is probably no area in school management where false economy can be so disastrous as in the field of insurance. The wisest economy move a school board can make is to obtain the services of an insurance counselor and deal with competent and reputable insurance agents. School insurance programs are unique. An insurance program which meets the needs of one district may be entirely unsatisfactory in a neighboring district. A competent insurance counselor can tailor insurance coverage to district needs in such a way that adequate coverage is obtained at the lowest cost. This represents true economy in school insurance.

Coinurance — It is quite common for insurance policies covering school property to contain what is known as the "coinsurance clause." When properly used, this clause may yield a substantial reduction in premium rates and at the same time give more complete coverage. In effect, the coinsurance clause requires the district to carry insurance up to an agreed percentage of the value of the property being insured. Should it fail to do this and if a loss occurs, the district bears a share of the loss which is proportionate to the insurance deficiency. The following formula illustrates the operation of the coinsurance clause when loss occurs.

$$\frac{\text{Amount of Insurance Carried}}{\text{Amount of Insurance Required}} \times \text{Loss} = \text{Recovery (up to the face value of the policy)}$$

The following illustrations will show the operation of the coinsurance clause.

Essential Facts:

1. District X has property worth \$100,000.

2. The property is insured under an 80 per cent coinsurance clause.

Example A:

The district purchases insurance totaling \$80,000 and a \$50,000 loss occurs.

$$\frac{\$80,000}{\$80,000} \times \$50,000 = \$50,000 \text{ recovery}$$

Example B:

The district purchases insurance totaling \$50,000 and a \$50,000 loss occurs.

$$\frac{\$50,000}{\$80,000} \times \$50,000 = \$31,250 \text{ recovery}$$

Appraisals — The burden of providing the extent of any loss covered by the standard fire policy rests with the school district. The district must furnish a complete inventory of the property involved in any loss showing the actual cash value of each item and the amount of loss thereto. Guessing at insurable values almost invariably results in either overinsurance, which wastes district funds, or underinsurance, which subjects the district to potentially serious deficiencies in insurance coverage. These facts underline the importance of complete records based on an accurate appraisal of the insured property by persons well-equipped to determine its actual value.

Wisconsin State Insurance Fund — The Wisconsin State Insurance Fund was authorized in 1903 and has offered protection to school districts since 1913. The fund offers fire and lightning, fire and extended coverage, wind and hail, and builder's risk insurance on school buildings. Floater and all-risk insurance on movable property and fire, theft, wind or comprehensive coverage on motor vehicles are available. The fund does not provide liability or casualty insurance. State Insurance Fund rates are based on commercial rates but are discounted 50 per cent so that the premiums are 50 per cent of commercial premiums. Insurance adequate to cover full replacement cost of the property may be carried at the district's option.

In order to insure school buildings in the State Insurance Fund school boards must pass a resolution to this effect. If this is done, all coverage may be transferred immediately or existing policies may be continued to expiration by agreement with the insurance commissioner. After the board has agreed to insure with the fund, all such coverage must be written in the fund until such time as the local school board passes a resolution to drop the State Fund coverage. [605.01-605.30]

Points to Remember

- ★ Effective school budgets are based on educational plans.
- ★ School board policy guides the superintendent in preparing and administering the school budget.
- ★ The property tax is the primary source of school revenue in Wisconsin.
- ★ School district borrowing procedures are spelled out in the law.
- ★ The district insurance program should be tailored to fit local needs.
- ★ Through its financial resources, Wisconsin should pledge to each child the opportunity for a good education.

For further reading, see Appendix

CHAPTER IX

THE SCHOOL BOARD AND THE SCHOOL PLANT

Three of the important responsibilities facing the members of a school board are determining school plant needs, planning for new construction and managing the operation of the school plant. School plant planning and construction requires close coordination of the efforts of specialists in education, design and construction. Recognizing the complex and difficult task of designing efficient and effective school plants, the Wisconsin Association of School Boards has published a handbook, *To Create a School*, which deals exclusively with this topic and which should be read in conjunction with this chapter. This chapter contains only a brief discussion of the activities involved in planning, constructing and operating a school plant.

Long-Range Planning

School buildings are never built for the past or even for the present. They must always be planned and built for the future. Those who are responsible for planning and constructing school facilities should be familiar with modern educational trends. Today's school buildings must be planned in the light of changes in the organization and direction of learning which have taken place in the past and which will continue to take place in the future as our knowledge of human beings and how they learn continues to grow.

The construction of school facilities involves a relatively large expenditure of public funds. School boards are responsible for the wise and economical expenditure of these funds. The best way to provide good schools without wasteful expenditures is through the development of long-range plans. Such plans provide a means of meeting the housing needs of the district in an orderly manner rather than in a haphazard fashion. They provide the means for making educational facilities available at the time and in the place needed.

A careful survey of existing school facilities and anticipated future needs is the first step in developing a long-range plan. Such a survey is absolutely necessary (and in the long run economical) before large amounts of public funds are spent in rehabilitating old buildings, adding to existing buildings, or constructing new buildings. Long-range planning should be a cooperative enterprise involving the participation of educational consultants from colleges or universities, the Department of Public Instruction, the entire staff of the school system, citizens of the community and the school board.

A comprehensive long-range plan must consider several factors: (1) the number and location of individuals to be served by the school system; (2) the educational program to be offered; (3) housing required beyond the existing facilities; (4) the willingness and ability of the community to pay the bill; (5) the organization of attendance units; and (6) the geographic and demographic characteristics of the district. The long-range plan must be flexible enough to allow for needed changes as they arise.

Building Programs

The bench mark in designing and constructing a school plant is the educational program which it will house. A school building is but a means to an end; a tool which must help to shape the best educational program which can be devised.

Functional Planning Is A Must

Each school building must become an environment for learning, living and growing. The key to better school plant planning is the translation of educational practices into actual building needs. Educational leaders and school boards must use initiative and imagination, as well as objective information, in planning each building so that it will be useful for many years. School buildings planned today will serve tomorrow's children.

Educational Planning in the Building Program

Educational planning means producing a statement of the facilities and qualities that a proposed building should have. It is often advisable to arrange for participation by teachers, other school employees, citizens of the community and pupils in the planning stage. Expert advice from members of the professional staff and educational consultants should be provided when this cooperative approach is used. Educational planning provides the essential educational specifications upon which an architect can base his design and construction proposals.

Educational planners should attempt to give the architect the clearest possible description of how the building is to be used and the characteristics of its users. Good educational planning starts with the general philosophy which guides the educational program, goes on to the description of teaching methods and instructional goals and finally, lists the teaching materials and equipment for each room. Essentially, educational specifications are written descriptions of how a building is to operate while architectural specifications are written descriptions of how a building is to house the operation.

School boards must recognize that without educational specifications the architect has no guidance in fitting the school plant to the school program. He can only proceed on a trial-and-error basis with its attendant inefficiency and misunderstanding. School boards, with the assistance of the superintendent, should create the machinery for developing educational specifications and work with the architect to see that they are reflected in plans for the proposed building. A little extra effort at this point will be profitable to the district.

Selection and Purchase of School Sites

In Wisconsin the electors of common and union high school districts have been given authority to designate sites and erect school buildings. They also may vote a tax to build, rent, lease or purchase school buildings and to furnish, equip and maintain them. [120.10 (5), (6)] The school board in a common or union high school district has authority to employ or contract with architects or engineers to prepare plans and specifications for school buildings. [120.13 (9)] In unified districts the school board has been granted this authority. [120.75] In city school districts the school board has been given power to select sites and employ architects and engineers to prepare plans and specifications for school buildings. The purchasing of sites and the construction of buildings or additions must be submitted to the common council or fiscal board for approval. [120.49 (4)]

In either case, the school board must assume the responsibility of foreseeing the future needs of the district and calling them to the attention of the community. In common and union high school districts the school board may suggest sites for the consideration of the electors of the district.

Whenever possible school sites should be purchased, or an option taken, well in advance of the time they will be needed. This is particularly true in school dis-

tracts where the population is growing rapidly. This procedure makes it possible to obtain the most desirable sites at a reasonable cost. It is apparent that a long-range plan is essential for intelligent selection of sites in advance of the time they will be needed. Sites usually increase in value and if future circumstances dictate their sale, the increased value will permit the purchase of another site, or the funds could be returned or put into a building fund.

The following criteria are offered for the guidance of school board members in selecting sites for school buildings:

Accessibility — The proposed site should be situated to serve the greatest number of people, now and in the future. It should be near the population center of the area it will serve and should be within easy reach of those who will use the building. The following distances are considered reasonable for pupils walking to school: elementary — $\frac{1}{2}$ to $\frac{3}{4}$ of a mile; junior high school — 1 to $1\frac{1}{2}$ miles; and senior high school — $1\frac{1}{2}$ to 2 miles. In transporting pupils the suggested maximum one-way traveling time is 30 minutes for elementary pupils and 60 minutes for high school pupils. It is best to place educational adequacy ahead of central location when choosing school sites.

Environment — The school site should be situated in pleasant surroundings with adequate zoning protection and away from obnoxious or disturbing influences such as disagreeable odors, excessive noise, traffic hazards, etc.

Suitability for School Program — Modern schools require larger sites than were thought necessary a generation ago. Most school sites are far too small when judged by present day standards. The size of any school site should be determined by the pupil population to be accommodated and the nature of the contemplated educational program. The following site sizes are suggested as minimums: for elementary schools, five acres plus an additional acre for each 100 pupils in the ultimate enrollment; and for high school, 30 acres plus an additional acre for each 100 pupils in the ultimate enrollment.

Suitability for Construction — Good school sites permit the placement of buildings and other facilities in proper relationship to each other. They should also permit the construction of the buildings at a reasonable cost. The general shape of the site, its topography, and the nature of the soil and sub-soil are important factors. A small expenditure for competent technical advice may easily prevent the expenditure of thousands of dollars in unanticipated construction costs.

Attractiveness — The site should permit the development of an attractive school plant. A location in an attractive neighborhood, a soil that will support vegetation and a site of adequate size are most desirable in designing and constructing attractive schools.

Choosing the Architect/Engineer

Either a properly registered and licensed architect or a properly registered and licensed engineer may design school buildings in Wisconsin. [120.49 (4) (b)] Some persons may have had the requisite training and be registered both as an architect and as an engineer. If not, the school board must ascertain the architectural services which will be provided by the firm if a licensed engineer is hired to design a school building or the engineering service which will be available to it if a licensed architect is hired for the job.

The selection of the architect/engineer is perhaps the most important step taken by a school board in any school building program. Upon the architect/engineer, more than upon any other person, depends the merit of the building. It is he who determines whether the building will be attractive; whether it will adequately meet the needs of the educational program; whether it will be safe, economically arranged and well constructed. He must synthesize in the completed structure the recommendations of construction engineers, the educational specifications and the district's financial and physical resources. The architect/engineer should be brought into the picture as soon as it is decided that new construction or remodeling is required.

The American Institute of Architects has approved two methods of selection: design competitions and selection on the basis of general qualifications. Design competitions tend to be cumbersome, costly, time-consuming and somewhat unrealistic. General qualifications are more suitable as a basis for selecting the architect/engineer. Information obtained from candidates, and from persons whom they have served, regarding various buildings which they have designed may be accumulated and analyzed by the board on the basis of such factors as design ability within the budget, technical competence and fiscal reliability.

The board should interview the most promising candidates before reaching a decision. It is suggested that the board explore the following areas in interviewing an architect/engineer:

1. The nature and scope of the organization represented, the available personnel, and the variety of competencies represented.
2. The plans and practices for supervision of the job.
3. The record of the organization as to number of bids obtained on previous building projects.
4. The record of the organization in obtaining bids in line with cost estimates.
5. The record of the organization with respect to the timing of the letting of bids.
6. The record of the organization with respect to maintenance costs of buildings constructed under its direction some years in the past.
7. The time element involved in initiating and completing the building plans.

It should be remembered that the board is obtaining professional services of a highly technical nature when an architect/engineer is employed. During the course of gathering data and interviewing candidates the board and superintendent will have the opportunity to evaluate the abilities, attitudes, personality and character of the architect/engineer and the firm he represents. The board has the final responsibility for selecting, with the help of the superintendent, the architect/engineer who seems best qualified to do the job.

After the architect/engineer has been chosen, a contract between his firm and the school board should be executed as soon as possible. City school boards have been given specific authority to contract with architects or engineers, [120.49 (4) (b)] as have common and union high school district boards, [120.13 (9)] and unified school district boards [120.75]

The contract with the architect/engineer should spell out clearly the rights and obligations of both parties. It should define the scope of the architect's work, the basis and method of payment for his services and protect both parties from possible contingencies. Fees for architectural services usually are based upon

actual construction costs. A standard contractual form which may be modified to fit local circumstances is available from American Institute of Architects and has proven satisfactory to both parties in practically all school construction projects. The school plant planning handbook, *To Create A School*, also contains a suggested standard contractual form, somewhat different from the AIA contract form, but which has proven satisfactory for use in school construction projects.

Working With the Architect/Engineer

The place of the architect/engineer in school plant planning and construction is not always clearly understood by those engaging his services. He has the responsibility of planning the building and handling the technical details involved in its construction. He coordinates the services of the engineers and technicians involved in designing the building and directs the construction of the building by the contractor. He develops preliminary studies which give a picture of the school and its cost before it is built. He prepares final drawings and specifications which are the basis for contractors' bids and for the construction of the building. In short, his normal services include advice, guidance and administration of the project from the time he receives the educational specifications until construction is completed. Architect/engineers are also available for consultative services, e.g., advising as to the desirability of remodeling or enlarging existing buildings, and special services, e.g., assuming responsibility for equipping and furnishing the building.

The architect/engineer's relationships with the school board must be based on mutual trust and integrity. He is entitled to receive clear instructions and decisions from the school board without undue delay. The board should delegate some person, preferably the superintendent or a member of his staff, to handle formal communications between the architect/engineer and the board, superintendent and school staff.

The services of an architect/engineer on a school building project can be divided into six major phases.

Programming Phase — This includes the building survey, educational planning, and site selection. These are consultative services and are usually paid as a separate consultation fee. They can be of particular value in site selection and in appraising existing buildings.

Design Phase — This phase is part of the normal service of the architect/engineer. It includes the preparation of preliminary studies and schematics that provide a visual picture of the appearance of a building and some concept of the costs involved. The approval of preliminary plans by the school board closes this phase and is one of the most important responsibilities of the board in the entire planning program. Construction management, if used, should be involved prior to or at this point. Preliminary plans should give a clear idea of the basic design of the building, the general methods of construction and the approximate cost. They should not be approved until the board is completely satisfied on these points since later changes usually entail added expense.

Working Drawings and Specifications Phase — When the board has approved the preliminary design, the architect/engineer begins developing the working drawings and specifications. They show the exact layout and design of the building, materials and methods of construction and all other details. They serve as the basis for contractors' bids and become part of the contract for construction. When these documents are completed it should be possible for the school board

to obtain an exact description of any part of the building. These documents must be formally approved by the school board.

Bidding and Contract Phase — After the working drawings and specifications are completed and approved, the architect/engineer assists the school board in obtaining bids from contractors. He prepares the proposal form to be submitted, clarifies any questions the bidders may have, tabulates the bids when they are opened, verifies the information received with each proposal and assists the board in determining the low bidder. He also assists in the preparation of a contract for the execution of the work by the successful bidder.

Construction Phase — During this phase the architect/engineer provides supplementary drawings and instructions to the contractors, checks shop drawings, supervises the work, issues change orders and approves payments to contractors. It is especially important to avoid confusion in instructions during this phase. All communications with the contractor should be made through the architect/engineer. Necessary changes from the original plans and specifications are accomplished by "change orders." When approved by the architect/engineer and school board and signed by all parties concerned, these become part of the original contract.

As soon as the contract is signed a schedule of operations is prepared giving the anticipated dates of completion for each phase of the construction. This facilitates the scheduling of labor and materials and helps avoid unnecessary delays.

Contract provision is usually made for partial payment of the value of completed work as construction proceeds. The contractor submits estimates to the architect/engineer for examination and approval. The board should make payments to the contractor only after they have been approved by the architect/engineer. The schedule of operations enables the school board to anticipate payments and arrange to have funds available as they are needed.

The usual architect/engineer's contract provides for general supervision of construction by the architect/engineer. This does not necessarily mean daily tours or continuous presence. A full-time construction superintendent should be present on any major construction project. He should have a thorough knowledge of building construction and of the working methods of contractors. He is usually paid by the school board and works with the architect/engineer to guard against defective materials and workmanship. Although the construction superintendent is paid by the school board (and is ultimately responsible to the board), it should be clearly understood that his primary reports are made to the architect/engineer. It is the architect/engineer who is responsible for seeing that contractors comply with the requirements of the construction contract.

The acceptance of the building by the school board closes this phase and also completes the normal service of the architect/engineer. Acceptance of the building should follow an inspection tour by representatives of the school board, the architect/engineer and the contractor to determine whether all work has been satisfactorily completed.

Furnishing Phase — This phase covers the final preparation of the building for occupancy and operation. Special services of the architect/engineer are valuable in the selection, purchase and setting up of the movable equipment, furniture and fixtures. They are not part of the normal service of the architect/engineer and should be reimbursed separately.

New Developments in School Construction

During the past two decades, a number of alternatives to conventional approaches to school construction have been explored. For example, several states have experimented with the use of standardized plans for school buildings, but the anticipated savings are reported to have been somewhat disappointing.

Some school boards discovered that the adoption of a "stock" design did not relieve them of the duty of making certain that all preparations were being made for orderly and legal bidding, that building and safety codes were being met, and that all construction bottlenecks were resolved satisfactorily.

Unless a board had been foresighted enough to have hired a district administrator who was also a qualified engineer, it would undoubtedly find that it became necessary to engage an architect/engineer to pull the project together, regardless of the source of the blueprints.

Relocatable Classrooms

The widespread acceptance of relocatable classroom and/or office buildings has proven the timeliness and the soundness of the concept. Using modular construction, these buildings are usually 28 x 60 feet in size. Often the building contains two full-size classrooms, toilet rooms, heating and cooling units, and all furnishings.

Although no architect is needed, the board considering the purchase or lease of a relocatable building is advised to make sure that water and sewer connections are available at the contemplated site.

In addition to the ease and promptness with which the relocatable may be put into operation, school boards have been pleasantly surprised to find that the units have a healthy resale value. Some are sold to industry or individuals within the community, but most are sold to other school districts. Any firm which sells relocatables is usually available for moving the unit to the new site.

Construction Management — Within the past decade a new concept of construction known as Construction Management (C.M.) has emerged, and continues to gain nationwide acceptance on both publicly and privately funded construction projects. This mode of construction is particularly applicable to public works, having been adopted in 1969 by the General Services Administration of the federal government. It is a method whereby the owner becomes a member of a team, acting as a co-professional with the C.M. and architect/engineer to assure complete cost control, reduced construction costs without loss in quality, and full public accountability of the project.

Proponents of Construction Management point out that these goals are accomplished by:

1. exploring the various cost vs. design alternatives (value engineering) during the preliminary planning phase;
2. increased bidding activity by breaking the project down into smaller units to be bid directly to the owner by the various subcontractors, thus eliminating the usual subcontractor to general or sub to sub markup, and at the same time assuring the owner of receiving 100% of all the available bids;
3. tax savings through direct purchases of materials as well as advance ordering of critical materials;

4. phased construction programming (fast tracking and the Critical Path Method) used to reduce construction time.
5. fulltime on-site supervision of the project by the Construction Manager, who is directly responsible to the owner.

The selection of a Construction Management firm is fully as important as the selection of the architect/engineer. Credibility, experience and performance record should be the heavily weighted selective factors. The selection of a qualified independent C.M. firm on a lump sum fee basis should avoid the possible conflict of interest that may otherwise exist.

The Systems Approach — The "systems approach" to providing school facilities has received a great deal of publicity. In this approach the focus is upon developing standardized building components, or modules, which can be mass produced and assembled at the school site. The design phase becomes one of selecting the components and modules which are most appropriate to house the school's educational program. The systems approach has been successful in reducing school building costs while permitting much greater flexibility than is possible using the stock plan approach.

Design-Build or Turn-key — Another relatively recent development is the "design-build" or "turn-key" approach to school building construction. In this approach a school district negotiates a construction contract rather than obtaining competitive bids. The district engages a firm to develop a building plan from educational specifications provided by the district. The firm develops plans and drawings, computes design and construction costs, determines the proposed completion date, and submits a price for the entire "package." Thus, in the turn-key approach a single firm is responsible for both the design and construction of the facility. Construction time may be shortened due, in part, to the firm's total control of the project.

Building Laws and Codes

All school board members should be familiar with the laws of the state governing the design, construction and maintenance of school buildings. These are principally contained in, and are part of, the Administrative Code adopted by the Department of Industry, Labor and Human Relations. They are issued in booklet form under the following designations: Building Code; Heating, Ventilating, and Air Conditioning Code; School Lighting Code; and General Orders on Existing Buildings. The Plumbing Code is issued by the Department of Health and Social Services, and the Electrical Code is issued jointly by the Department of Industry, Labor and Human Relations and Public Service Commission.

The Building Code supplements the requirements of the "Safe Place Statute," 101.11, which provides that every owner of a public building must construct, repair and maintain it so that it will be safe for employees and frequenters. The orders contained in the code are binding upon owners, employers, builders and architects.

The codes are administered and enforced by the Department of Industry, Labor and Human Relations and Department of Health and Social Services, in cooperation with local officers who are required by law to enforce the commission's orders when they apply.

Licensing of Architects and Engineers — Any person who is responsible for the design and construction of school buildings (and all other public buildings) must be registered and licensed to practice in Wisconsin.

Approval of Plans and Specifications — The engineer or architect is responsible for submitting complete plans and specifications for all school buildings to the Dept. of Health and Social Services, and Department of Industry, Labor and Human Relations for approval before letting contracts or commencing work. The law requires that a copy of the approved plans and specifications be kept at the building site during construction and that no major change be made without the approval of the commission. Any reputable architect/engineer will be familiar with his responsibilities in complying with the regulations of the various codes.

Bids and Contracts

Wisconsin law requires that in city school districts all construction projects in excess of \$5,000 must be let by contract to the lowest responsible bidder. Plans and specifications must be prepared and bids must be advertised for at least two weeks in succession. The advertisement should state the date and hour at which bidding will be closed. A certified check or bid bond equal to at least 5 per cent but not more than 10 per cent of the bid, made payable to the school district, is required as a guaranty that the bidder will execute and file the proper contract and performance bond if his bid is accepted. [62.15]

Common school districts, union high school districts and unified school districts are not required by statute to advertise for bids, nor to award construction contracts or orders for school supplies or equipment on the basis of competitive bids. However, public accountability and good business practice demands that bids on school construction projects be solicited through advertisements and that contracts be awarded to the lowest responsible bidder. A school board which fails to utilize recognized bidding procedures when awarding contracts or placing sizeable orders for supplies or equipment risks losing the public's confidence in their judgment at best. The provisions of the statutes dealing with public works, contracts, bids and bonds should be followed carefully in letting contracts for school construction. [66.29, 289 (14)]

As previously indicated, the architect/engineer usually acts as the agent of the board in preparing bid forms and in advertising for bids. At least four weeks bidding time should be allowed on any major project to insure sufficient time when sub-bidders are involved.

Proof of Financial Responsibility

At least five days prior to the time set for the opening of bids, each bidder is required to provide an affidavit of proof of financial responsibility on a questionnaire form provided by the school board in conformity with the statutes. Only the bids of those bidders who furnish satisfactory proof of their financial responsibility may be accepted. The contents of these affidavits must be kept confidential and may not be disclosed except by written order of the person furnishing the affidavit. [66.29 (2)]

Receiving and Opening Bids

Bids should be received by an official of the school board at a designated address. The advertisement and bid form should state that bids must be sealed and the classification of work for which the bid is submitted indicated on the envelope. To avoid misunderstandings the following clause should be inserted in the advertisement. "The School Board reserves the right to reject any or all bids." If the bids may be split insert the clause, "or to award in part or as a whole."

Bids should be opened and read aloud at a public meeting with the architect/engineer presiding. At least two persons should list and tabulate the bids on forms prepared by the architect/engineer. The architect/engineer should check and verify the bids and report back to the board with recommendations for the award of contracts. (Also see Construction Management section.)

Contracts and Bonds

The preparation of the contract document is usually handled by the architect/engineer working with the school board's legal counsel. The plans and specifications are made part of the contract by reference. The contract must be signed by the school board (as the awarding authority) and by the contractor.

All contracts involving \$500 or more for the performance of labor or the furnishing of materials for public works must include a provision for the payment of all labor and materials used by the contractor. The contractor must give a bond equal to at least the contract price which insures payment to any individual who provides labor or materials used in construction under the terms of the contract. [289.14]

In cities, the city comptroller must countersign all contracts for construction to the effect that funds for the payment of the contract are available or that provision has been made to obtain the funds needed to meet the terms of the contract. [62.15 (12)] A copy of the form of the contract and bond, with sureties required, must be prepared and furnished to all bidders. [62.15 (2)]

Care should be taken that provision is made for insurance on the building while it is under construction. An automatic builder's risk policy or a completed value builder's risk policy may be used for this purpose. Builder's risk insurance is normally carried by the district and provision is made to automatically increase the district's regular insurance coverage by the value of the new construction upon its completion.

Principles of School Building Planning

The following seven principles are intended to guide the thinking of school board members as they face their responsibilities in school building planning and construction. They are not all-inclusive nor are they listed in order of importance, but they serve to illustrate what school board members should be concerned with throughout a building program.

Adequacy — The school plant must be planned to provide the facilities necessary for the efficient and effective accommodation of all phases of the school curriculum. It should also accommodate the community activities for which it is to be used.

Safety — The school plant should be designed to protect the comfort, health and safety of all the occupants.

Coordination — The various units within a school plant should be located according to their functional relationships and special requirements. For example, a library should not be located next to a music room.

Efficiency and Utility — The school plant should be planned and assembled in a manner that will promote efficient school management and provide maximum convenience for those who use its facilities.

Beauty — The school plant should be cheerful and attractive.

Flexibility — The school plant should be planned for future adaptation to changing educational and community requirements.

Economy — A school plant should be economical in its original cost, upkeep and operation. Economy involves more than just a reduction in dollars spent. It should be measured in terms of the educational return per dollar as well as present and future costs.

Sources of Information

The members of a school board planning a new school building should obtain as much information as possible on current developments in school construction. Many examples of new construction are available. Time spent in visiting new buildings and in discussing their function and operation with personnel is well spent. Schools which have been in use for two or three years offer excellent sources of information as to the strong and weak points in their design. These visits are also useful in evaluating an architect's competence in school design.

There are many publications available which provide excellent information on school plant planning. Professional magazines regularly feature articles on school buildings. Several books deal specifically with the problems involved in school plant planning. Educational consultants and specialists can be of real help in this area.

The Department of Public Instruction offers valuable consultative assistance to school districts confronted with school building problems. In addition to providing advice on the construction aspects of school building programs, the building services division is staffed to provide assistance to local school districts in evaluating existing buildings, selecting school sites, financing construction programs, reviewing over-all organizational plans, planning for proper balance in contemplated construction and acting as a coordinating agency between the architect, Department of Industry, Labor and Human Relations, the State Department of Health and Social Services, and other agencies.

Use of School Property

As noted in Chapter III, the school board is responsible for the care, control and management of the property of the school district. The statutory provisions concerning use of school facilities will be found in 120.12 (1), (9) and (10), and in 120.13 (17-21).

Care of School Property

Custodial Services

The school custodian plays an important role in the school program. Upon him rests the responsibility for the safety and comfort of the occupants of the building and the proper maintenance of the building. Custodial personnel should be chosen with the same amount of care as are teachers. Personnel policies should recognize the importance of custodial services by providing a sense of security and job satisfaction.

A work schedule should be established which permits the custodian to do his work without disrupting the school routine. The work schedule and a determination of the work to be accomplished are necessary in fixing the required size of the custodial staff. School custodians are responsible for the housekeeping necessary for effective instruction. Their responsibility beyond housekeeping duties will vary according to the size and organization of the school system. Good

custodial service requires the right number of qualified persons. These persons must be provided with the necessary tools and supplies to perform their tasks. Attention should be given to a training program designed to improve the efficiency of their service. Such a program might utilize regular workshops for employees within the system, selective attendance at custodial institutes, attendance at maintenance schools or bulletins from the central office of the system to improve service. A good in-service improvement program results in better care and preservation of school buildings and consequently represents an economy to the district.

Maintenance and Replacement Schedules

A careful analysis of the school plant should be made periodically to determine maintenance needs. These needs can be conveniently grouped into three categories: long-range, annual and emergency maintenance. This grouping is convenient in determining priorities in budgeting and in deciding whether certain jobs can be performed more efficiently on a contract basis or by the school staff.

Long-Range Maintenance — This type of work is usually for the purpose of renovation, remodeling or modernization of a part, or parts, of the school plant. Funds should be provided in the annual budget or from the sale of school bonds if a major change is involved.

Long-range maintenance includes the physical changes required by new instructional methods or changes required for the better use of the school plant. Two examples are remodeling classrooms and replacing unsatisfactory lighting fixtures. Such changes may be scheduled for completion over a period of years so that the work will not interfere with regular school activities.

Long-range maintenance may also involve the replacement or installation of mechanical and instructional equipment and the work necessary for the proper upkeep of school structures. Included would be such projects as replacements of classroom desks, tuckpointing of masonry and painting. These needs can be foreseen and budgeted on a long-range basis.

Annual Maintenance — Certain types of maintenance work can be predicted and scheduled during the year. In this category would be included minor plumbing repairs, light bulb replacements, cleaning heating plants, care of the school grounds and repair of athletic equipment. Maintenance of this type also involves the periodic inspection and servicing of mechanical equipment. Budgeting for routine maintenance requirements should not be overlooked.

Emergency Maintenance — This category covers maintenance needs which are wholly unpredictable and consequently are usually not specifically budgeted. It includes emergencies arising from structural damage caused by fire, wind or vandalism, and those resulting from the failure of mechanical and electrical systems. These emergencies usually interfere seriously with the educational program and demand immediate attention. School boards must be aware of such emergency needs and be prepared to cope with them.

Safety Regulations

Even if school boards are not held legally liable for injuries sustained in school-connected activities or on school property, they are morally responsible for the safety of those who are served by the schools. The old saying, "an ounce of prevention is worth a pound of cure," is certainly applicable here. Not all accidents can be avoided, but proper regulations can materially assist in accident control.

Accident Prevention — Common hazards can be eliminated by the establishment of school board rules and regulations governing such conditions as the following:

1. Parking vehicles on school property, especially near buildings.
2. Vehicular traffic around school buildings.
3. Priority of snow removal.
4. Elimination of fire hazards and regular inspection and care of fire extinguishers, fire doors, fire escapes, emergency lighting, etc.
5. Provision of adequate corridor lighting, removal of obstacles from traffic lanes and proper floor maintenance.
6. Rules and procedures governing loading and unloading of school buses and behavior of pupils riding school buses.

In larger school systems a staff member can be charged with the development and direction of a safety program. His primary function is to coordinate the efforts of all school personnel in the safety program. He may analyze accident causes and take steps to eliminate them, work with the school safety patrol, furnish material for safety instruction and cooperate with traffic authorities in locating safety zones and school warning signs.

State Laws Relating to Safety Procedures — There are many state regulations pertaining to safety set forth in the statutes and in Department of Industry, Labor and Human Relations General Orders. School board members should familiarize themselves with these regulations.

It should be noted that school boards are required to keep the school buildings and grounds in good repair, suitably equipped and in a safe and sanitary condition at all times. [120.12 (5)] The board may provide liability insurance covering pupils if the expenditure is authorized by the annual district meeting or by the common council. [120.13 (2), 120.49 (6)] Every public school must teach accident prevention, promotion of highway safety and fire prevention. [118.01 (4) (7)] Every school board is required to provide a standard first aid kit in each school for emergency use. [118.07 (1)] Fire drills are required in every school at least once each month. Each school principal is required to file an annual report relative to fire drills with the Department of Industry, Labor and Human Relations and the local fire chief on forms furnished by the Department of Industry, Labor and Human Relations. [118.07 (2)] School districts must erect and maintain all fencing necessary to enclose school grounds. [118.11] Safety zones must be provided at every school site outside the limits of a city or village and all loading and unloading of pupils at the school must be done within this safety zone. [118.09] Local authorities are required to erect proper warning signs in school zones. [118.08] Provision is made for the organization and administration of school safety patrols. [118.10] The Department of Industry, Labor and Human Relations has published regulations covering safety, fire prevention and fire extinguishers.

As in all other respects, the first concern of the school board and of each school board member must be for the welfare of children. Top caliber school boards and school board members are those whose actions and decisions reflect that concern in matters of safety on school property as well as in the educational programs.

Points to Remember

- ★ Long-range planning is mandatory if school building needs are to be met wisely.
- ★ The board must take into consideration recent legislation which mandates facilities accessible to the handicapped.
- ★ The board's most important responsibility in a building program is to select a competent architect, and to explore the available methods of construction.
- ★ An architect must be given educational specifications in order to design a school building properly.
- ★ True economy involves more than a reduction in dollars spent.
- ★ The architect and board should have well-defined responsibilities in the building program.
- ★ Maintenance needs should be anticipated and budgeted.

For further reading, see Appendix

APPENDICES

APPENDIX A
DEFINING THE ROLES
SCHOOL BOARD

Organization:

- Elect officers
- Take action only in meetings
- Use special committees sparingly
- Specify procedures for orientation of new members

Meetings:

- Hold meetings at least once a month
- Provide that minutes of board meeting be kept
- Suggest agenda items to superintendent
- Act only on agenda items unless emergencies arise
- Consider recommendations of the superintendent
- Provide for hearings as required by law
- Hold open meetings as required by law
- Record votes on all questions

Policy Making:

- Adopt general procedures for policy making
- Adopt policies for operation of schools upon recommendation of superintendent
- Adopt policies for enforcement of state laws as required
- Make periodic revision of policies
- Arrange for board policies to be in written form available for general distribution
- Encourage provision for staff participation in policy making

Executive Responsibilities:

- Elect superintendent by ballot for term not to exceed 3 years
- Develop with superintendent clarification of functions of each
- Designate superintendent as professional leader of school system

Personnel:

- Establish qualifications for professional and non-professional personnel
- Appoint professional and non-professional staff on recommendation of superintendent
- Authorize written contracts for professional staff members
- Establish policies governing employment and dismissal of personnel
- Adopt personnel policies on recommendation of superintendent
- Promote, demote and discharge personnel on recommendation of superintendent
- Meet with individual staff members and committees as arranged by superintendent
- Adopt policies regarding employment of substitute personnel
- Delegate to superintendent employment of substitute personnel
- Prescribe general duties of specialized personnel

Instructional Program:

- Study general philosophy and purposes underlying curriculum
- Determine scope of educational programs
- Adopt courses of study

- Adopt textbooks
- Approve selection of instructional materials
- Approve procedures for staff sharing in selection of textbooks and instructional materials
- Approve evaluation program including self-evaluations and surveys upon recommendation of superintendent
- Establish and finance in-service education programs
- Acknowledge and reward teacher growth
- Adopt policies to assure adequate supervision of instruction
- Maintain schools at least 180 days as required by law

Finance:

- Study long range financial needs and work to secure financial support for school program
- Determine use of citizen's committee in establishing financial needs
- Adopt budget
- Present budget to public meetings
- Authorize superintendent to make purchases within the budget
- Transfer funds as needed on recommendation of superintendent
- Establish salary schedules for all classes of positions
- Determine general policies for selection, purchase and use of supplies and equipment
- Let contracts for materials, construction and repairs
- Authorize payment of bills upon verification of superintendent
- Require adequate accounting for funds expended
- Employ auditors of school accounts
- Prepare report of financial condition of schools annually

School Plant:

- Adopt long range building program
- Present school plant needs to public
- Work to secure financial support for necessary plant expansion
- Approve educational specifications for new buildings
- Approve plans for school construction
- Approve school sites
- Approve program of plant maintenance
- Adopt policies for community use of school plants

Pupil Personnel:

- Establish program of services to provide for needs of all pupils within legal school ages
- Establish age for school attendance
- Appoint enumerators; report enumeration to state
- Adopt policies concerning pupil discipline
- Enroll pupils as provided by law
- Adopt policies for classification, promotion and graduation of pupils
- Designate schools which children in various areas shall attend
- Establish transportation policies
- Approve school lunch program
- Authorize standardized testing program
- Study summaries of pupil's standardized tests
- Authorize physical examination program
- Authorize and finance program of research in progress and needs of pupils

Public Relations:

- Adopt general policies concerning public relations
- Interpret to superintendent values and desires of community
- Give positive support to school enterprises in community groups
- Make annual report of activities of board
- Refer complaints to superintendent
- Encourage citizens to deal directly with superintendent on administrative matters
- Resist and re-direct demands of individuals and groups who seek preferential treatment
- Adopt policies to govern cooperation of schools with outside agencies

SCHOOL ADMINISTRATOR

Organization:

- Prepare materials for orientation of new board members

Meetings:

- Attend and participate in all board meetings
- Assist with taking of minutes; duplicate for board
- Prepare agenda for meetings and mail to members in advance
- Make reports and recommendations on agenda items

Policy Making:

- Advise board regarding policy making
- Raise questions that require policy statements
- Indicate value of policies in making individual decisions
- Recommend policies for adoption by board
- Gather data concerning needed policies
- Investigate legal considerations regarding policies
- Develop administrative rules to carry out board policies
- Recommend such policies as are necessary for enforcement of state laws
- Recommend revision of policies
- Have board policies duplicated for board, staff and general distribution
- Develop procedures for staff participation in policy making

Executive Responsibilities:

- Act as executive agent of board
 - Administer schools in conformity with board policy and state law
 - Perform duties required by board
 - Report to board on execution of policies
- Develop with board clarification of functions of each
- Act as professional leader of school system
 - Initiate action on all professional matters
 - Inform board of educational trends
 - Coordinate work of the schools
 - Report educational legislation to board
 - Report to board concerning its operation and needed changes

Personnel:

- Recommend desirable qualifications for professional and non-professional personnel
- Employ effective personnel procedures
 - Search for best personnel available
 - Receive applications for positions
 - Interview candidates for vacancies
 - Nominate candidates for positions
- Execute contracts with professional staff members
- Recommend policies governing employment and dismissal of personnel
- Recommend personnel policies
 - Supervise work of employees
 - Assign personnel and inform board
- Recommend staff promotions, demotions and dismissals
- Recommend meetings of board with staff members and committees and participate in such meetings

- Transmit communications to staff members or committees and receive communications from them
- Hear complaints of personnel and take to board when necessary
- Recommend policies for employment of substitute personnel
- Secure and assign substitute personnel
- Assign specialized personnel specific duties

Instructional Program:

- Assist board in study of modern educational developments
- Make recommendations concerning scope of educational program
- Formulate with staff courses of study and submit courses of study to board for approval
- Recommend textbooks to be adopted
- Recommend instructional materials
- Recommend procedures for staff sharing in selection of textbooks and instructional materials
- Recommend and develop ways for evaluating effectiveness of school program
- Develop in-service education program
- Encourage teacher growth and participation in research
- Record evidence for evaluation of growth
- Supervise instruction of pupils
- Prepare school calendar

Finance:

- Present long range financial needs to board
- Recommend use of citizens committee
- Develop budget and recommend it to board
- Assist board in interpreting the budget at public meetings
- Present and interpret budget to school personnel
- Administer the adopted budget
- Recommend transfer of funds as needed
- Prepare and recommend salary schedules to board
- Make purchases of supplies and equipment
- Prepare specifications and receive bids on materials, construction and repairs
- Examine and verify bills for payment
- Develop and direct program of financial accounting
- Prepare necessary data for financial report

School Plant:

- Recommend plant expansion needs to board
 - Make continuous study of school plant needs
 - Develop materials showing school plant needs
- Develop educational specifications for new buildings
- Make recommendations to board regarding plans for new buildings
- Investigate school sites and recommend desirable areas to board
- Recommend program of plant maintenance to board
 - Administer program of plant maintenance
- Recommend to board policies for community use of school plants
- Administer policy for community use of school plant

Pupil Personnel:

- Recommend pupil services to provide for needs of all pupils
 - Develop program for exceptional children
 - Supervise program of pupil services

- Plan and supervise pupil enumeration
- Recommend policies concerning pupil discipline
 - Establish procedures for application of pupil discipline
 - Establish procedures for suspension
- Recommend pupils to be expelled
- Recommend policies for classification, promotion and graduation of pupils
 - Establish rules to implement policies
 - Determine classification, promotion and graduation of individual children
- Recommend school attendance boundaries
 - Make assignment of pupils
- Study transportation needs; make recommendations
 - Plan transportation routes
- Develop school lunch program
- Recommend standardized testing programs
- Administer standardized tests
 - Examine standardized tests results and prepare working papers for board study
- Arrange for physical examination of pupils
- Recommend program of research in progress and needs of pupils
 - Supervise research program
 - Develop and supervise an adequate system of pupil records
 - Interpret pupil progress to board

Public Relations:

- Recommend general policies on public relations
 - Develop and supervise program of information to advise public of school progress, problems and needs
 - Arrange for news releases and news coverage
- Interpret program of schools before community groups
- Make annual report of school progress and needs
- Investigate complaints and report to the proper agent and to the board
- Act on specific community-sponsored projects requested of schools and approved by the board

APPENDIX B
THE PRINCIPAL — THIS WE BELIEVE

(Position Paper Adopted by the WASB Board of Directors, March 22, 1969)

The Board of Directors of the Wisconsin Association of School Boards recommends and encourages local school boards, school administrators and other school administrative personnel to consider the value and implementation of the "Management Team Concept" for school administration. This, we believe, will create for local school districts the organizational structure and process most effective in developing, implementing and evaluating school policies and programs. The principal, by virtue of his first-level administrative role, should be involved in and committed to this policy process.

In large measure, the effectiveness of school policy is in the hands of the principal at his school-level managerial role. Also, the "Management Team Concept" is a system for obtaining the maximum professional contribution from every member of the administrative group.

The WASB Directors are of the opinion that principals, and other members of the management group, should not be included within an employee negotiation unit; should not participate in an employee organization membership wherein the management group member's activities could be incompatible with a management role; nor be included under the jurisdiction of the employee negotiation laws as an eligible unit.

The WASB Directors are of the opinion that members of the management team must have primary identity and allegiance to management, but, in return, the members of this team must be accorded consideration and salary due that status.

The school principalship is recognized as an integral part of the total management of the school system and the principal should function in a role appropriate in relationship to the management group and the instructional staff. This role must receive the logical consideration associated with leadership.

We believe that the school principal herein considered a full-time position, should:

- Be trained as a leader, decision-maker, and manager of a unit within a school system.
- Be selected because of his abilities to coordinate and direct the team efforts toward school and district goals.
- Be employed and compensated on the basis of such factors as job description, responsibilities, effectiveness and professional strength but not on a basis directly related to instructional staff employment and salary policies
- Be in a management role because of supervisory, evaluative, and instructional leadership responsibilities.
- Be included in an open two-way communication among all members of the management structure, which includes the School Board.
- Be the direct instigator of the budget for his unit, be required to justify the budgetary requests he makes for his unit, and be held accountable for the proper utilization of the monies allocated to his unit.

- Be included on the administrative council which will develop, organize, administer, evaluate, and explain the education program for the school district.
- Be invited to attend school board meetings and be included in discussions which involve issues in which he has a direct interest.
- Have a voice, and representation in the process of developing and evaluating the management positions in employee negotiations.
- Be an important person in the administration of the professional staff employment agreement and the grievance procedure process.
- Be assigned responsibilities which will assure a full year's employment and be awarded a salary which attracts qualified personnel.
- Create an atmosphere which promotes professional staff involvement in effecting the educational program within district policies and toward district goals.

The WASB Directors recognize that the members of the management team must function within a "Management Team Concept" under the direction of the District Administrator, who in turn is directly responsible to the School Board and through whom the Board communicates and implements policies.

APPENDIX C

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